

SPECIAL BOARD OF ADJUSTMENT NO. 605

PARTIES)
TO)
DISPUTE)
Brotherhood of Railroad Signalmen
and
Erie Lackawanna Railroad Company

QUESTION
AT ISSUE:

Claim that Worley C. Spain is entitled to all protective benefits accruing under the employee protective conditions of Interstate Commerce Commission Finance Docket No. 20707 and/or the Washington Job Protection Agreement of May, 1936 because he was adversely affected to the extent of having been reduced from a position of Supervisor of Communications and Signals to a position of Foreman of Maintainers, effective on or about October 1, 1964, as a result of the merger of the Erie Railroad Company and The Delaware, Lackawanna and Western Railroad Company, said merger approved by I.C.C. Finance Docket 20707

OPINION
OF BOARD:

This matter is before this Board by virtue of Section 3, Article VI of the February 7 Agreement.

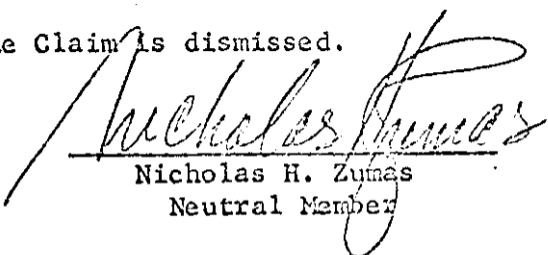
Claimant contends that he was entitled to the protective benefit of the Washington Job Agreement because he was demoted as a direct result of the merger between the Erie Railroad and the Delaware, Lackawanna & Western Railroad. That merger took place some four years prior to Claimant's demotion.

Carrier contends that Claimant was not adversely affected by the merger (or coordination), but instead as a result of reorganization and Claimant's incompetence. The Organization rejects such possibilities and asserts that Claimant was adversely affected solely due to the merger between the two carriers.

An examination of the record discloses that Claimant has failed to meet the requisite standards of proof necessary to support the claim that he was adversely affected by the merger.

AWARD

The Claim is dismissed.


Nicholas H. Zumas
Neutral Member

Dated: Washington, D. C.
June 24, 1969