

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
FOURTH DIVISION

Award No. 3056  
Docket No. 3050

Referee Robert M. O'Brien

PARTIES TO DISPUTE: Railroad Yardmasters of America  
Lehigh and New England Railway Company

STATEMENT OF CLAIM: Claim and request of Railroad Yardmasters of America that:

Yardmaster Morris O. Williams be allowed one day's pay at rate of yardmaster position for February 16, 1973 and each subsequent day until his improper displacement has been corrected and the National Mediation Agreement dated February 2, 1973 has been properly applied.

OPINION OF BOARD: The facts giving rise to the present claim originated in Award 3054 wherein we held that Carrier violated National Mediation Agreement A-9288 signed on February 2, 1973 when it failed to give Yardmaster Williams, assigned to Arlington Yard, ten days notice of abolishment of his yardmaster position. We held therein that the proper measure of damages was the period of time Carrier failed to properly give under the Agreement i.e. five days.

In the claim at bar, the claimant, holding a yardmaster assignment at Tadmor, was displaced by Yardmaster Williams effective February 16, 1973. This displacement required him to return to his former class of service since he lacked sufficient seniority to hold a yardmaster's assignment. We conclude that claimant was adversely affected by the Carrier's failure to give Yardmaster Williams ten days notice of abolishment of his yardmaster assignment as was required by the February 2, 1973 Agreement. However, as we stated in Award 3054 the proper measure of damages for this violation was limited to the period of time which Carrier failed to properly give under the Agreement, which in the present claim was five days.

FINDINGS:

The Fourth Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier and the employe involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

The parties to said dispute were given due notice of hearing thereon.


The parties to said dispute waived right of appearance at hearing thereon.

A W A R D

Claim sustained to the extent indicated above in the Opinion of the Board.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Fourth Division

ATTEST: Executive Secretary  
National Railroad Adjustment  
Board

By:   
Assistant Executive Secretary

Dated at Chicago, Illinois, this