

NATIONAL RAILROAD ADJUSTMENT BOARD
FOURTH DIVISION

Referee John B. LaRocco

Award Number 3900
Docket Number 3891

PARTIES Railroad Yardmasters of America

TO

DISPUTE: Baltimore and Ohio Railroad Company

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

Regular Assigned Yardmaster F. L. Keefauver be paid one current rate yardmaster day for July 2 and 3, 1980 when Carrier called and used Extra Yardmaster R. L. Wilson in violation of Rule 10 of the applicable agreement.

OPINION OF BOARD: The Organization's position in this case, like that presented in companion cases involving Award No. 3898 and Award No. 3899, is premised on a violation of Article 10(b) of the agreement. In this case, Extra Yardmaster Wilson was used for extra Yardmaster service after he had been displaced from his clerical position and had not exercised his seniority to displace on another clerical position.

The Carrier contends that Mr. Wilson was neither on a regular position nor on an extra list and for that reason he was not covered by the explicit provision of Article 10(b) of the interpretive letters of understanding cited and quoted in the companion awards. We agree with the Carrier's position and will deny the Claim.

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.

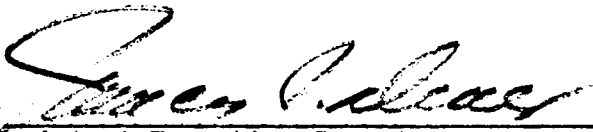
A W A R D

Claim denied.

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 11th day of February, 1982