

NATIONAL RAILROAD ADJUSTMENT BOARD  
FIRST DIVISION

Award No. 24968  
Docket No. 44599  
98-1-96-1-N-2243

The First Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

(Charles Bingert, III  
PARTIES TO DISPUTE: (  
(New Jersey Transit

STATEMENT OF CLAIM:

"Charles Bingert III's Roster Protest, dated, wherein his position on the seniority roster was changed, while attending the Locomotive Engineer Training Program (LETP), as a result of a decision made by New Jersey Transit Rail Operations, in both rule and practice."

FINDINGS:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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.

Parties to said dispute were given due notice of hearing thereon.

As Third Party in Interest, the Brotherhood of Locomotive Engineers was advised of the pendency of this dispute, chose to file a Submission with the Board and was represented at the Hearing.

Form 1  
Page 2

Award No. 24968  
Docket No. 44599  
98-1-96-1-N-2243

Except as to identification of the Claimant and the date, this claim is identical to that reviewed in First Division Award 24966, and the Board reaches the same conclusion as in that Award.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of First Division

Dated at Chicago, Illinois, this 21st day of December 1998.