

**Award No. 5234**

**Docket No. CL-5307**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

**Francis J. Robertson, Referee.**

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**PARTIES TO DISPUTE:**

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,  
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

**THE PENNSYLVANIA RAILROAD COMPANY**

**STATEMENT OF CLAIM:** Claim of the System Committee of the Brotherhood that:

Clerk R. H. McGrew, Passenger Traffic Department, Eastern Region, Philadelphia, Pennsylvania, be returned to service and compensated for all wage loss sustained dating from April 1, 1949, until adjusted (Docket T-7).

**EMPLOYES' STATEMENT OF FACTS:** This dispute is between the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees as the representative of the class or craft of employees in which the Claimant in this case held a position and the Pennsylvania Railroad Company—hereinafter referred to as the Brotherhood and the Carrier, respectively.

There is in effect a Rules Agreement, effective May 1, 1942, covering Clerical, Other Office, Station and Storehouse Employees between the Carrier and this Brotherhood which the Carrier has filed with the National Mediation Board in accordance with Section 5, Third (e), of the Railway Labor Act, and also with the National Railroad Adjustment Board. This Rules Agreement will be considered a part of this Statement of Facts. Various Rules thereof may be referred to herein from time to time without quoting in full.

The Claimant, R. H. McGrew, holds a seniority date on the Seniority Roster of the Passenger Traffic Department, Eastern Region, of May 14, 1902.

Under date of February 1, 1949, Claimant McGrew was notified in a joint notice addressed to Claimant McGrew, et al., that effective as of February 1, 1949, his position of Chief Rate Clerk would be abolished, and he would assume the duties of Clerk on the mail desk distributing tariffs and circulars, effective February 1, 1949 (at a salary of \$277.72 per month).

In this same notice Clerk Gross was notified that he would assume the duties formerly assigned to Claimant McGrew.

Under date of March 12, 1949, Claimant McGrew was notified verbally that his position of Clerk, Tariff Bureau, General Offices, Philadelphia, would be abolished effective with the close of business March 31, 1949, and was

claim of the Employee in this case would require the Board to disregard the Agreement between the parties thereto and impose upon the Carrier conditions of employment, and obligations with reference thereto, not agreed upon by the parties to this dispute. The Board has no jurisdiction or authority to take such action.

#### CONCLUSION

The Carrier has shown that under the applicable Agreement between the parties to this dispute, the Claimant is not entitled to be returned to service nor to the compensation which he claims.

It is, therefore, respectfully submitted that the claim is not supported by the applicable Agreement and should be denied.

**OPINION OF BOARD:** The rules involved in this docket are identical with those in Award 5232. The pertinent facts of record are so similar that the same disposition of this claim must be made as of the one there involved.

**FINDINGS:** The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and Employee involved in this dispute are respectively Carrier and Employee within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That Carrier did not violate the Agreement.

#### AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: A. I. Tummon  
Acting Secretary

Dated at Chicago, Illinois, this 26th day of February, 1951.