

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Frank Elkouri, Referee

PARTIES TO DISPUTE:

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

READING COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood:—

1. That the Carrier violated the provisions of the Clerks' Agreement when on November 9, 1951, it nominally abolished the position of Freight Hand at Danville, Pa., a Group 2 position, held by incumbent Mr. R. B. Mencer by reason of exclusive seniority on the Group 2 Seniority Point Roster and required the Chief Clerk, a Group 1 employe, to perform the duties previously performed by the incumbent of such Group 2 position.

2. That the Carrier be required to restore the Group 2 position of Freight Hand at Danville, Pa.

3. That Mr. R. B. Mencer and all other employes adversely affected by reason of the Carrier's action be reimbursed for all monetary wage loss, including deadheading, account of being required to exercise seniority rights at other locations and necessitating travel from home point locations or stations.

EMPLOYES' STATEMENT OF FACTS: Dispute exists by reasons of the actions outlined as follows:—

Prior to November 9, 1951, there existed at Danville, Pa. a station force, consisting of one (1) Agent (not under the Clerical Agreement), one (1) Chief Clerk and one (1) Freight Hand. Under date of August 16th, 1951, the Division Superintendent wrote the Division Chairman of the Clerks' Committee as follows:—

"Tamaqua, Pa.,
August 16, 1951.

Mr. J. N. Foster,
Division Chairman,
Brotherhood of Railway
& Steamship Clerks,
St. Clair, Pa.

Dear Sir:

The present force at Danville consists of 1 Agent, 1 Chief Clerk and 1 Freight Hand.

not entitled to reimbursement for wage loss, or for deadheading under the provisions thereof, or of any other rule of the agreement; this similarly applies to any other employe displaced by the exercise of seniority by R. B. Mencer.

Under the facts and evidence and for the reasons set forth hereinbefore, the Carrier maintains the claim as submitted by the employes is unsupported and unjustified, and respectfully requests that same be denied.

The evidence contained in this submission has been discussed in conference and handled by correspondence with the duly authorized representative of the Clerks' Brotherhood.

(Exhibits not reproduced.)

OPINION OF BOARD: This Docket involves the identical issue involved in Docket No. CL-6256, and both Dockets involve the same Carrier and Organization and the same Agreement and Memorandum of Agreement. The instant case is accordingly controlled by Award 6313 which was adopted by this Division in connection with said Docket No. CL-6256.

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 the Employes involved in this dispute are respectively Carrier and Employes 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 the Carrier violated the Agreement.

AWARD

Claim (1) sustained. Claim (2) sustained. Claim (3) disposed of as follows: Claim of R. B. Mencer for compensation for any monetary wage loss suffered by him as a result of the violation is sustained; claim of other employes who are not named and whose claims are not fully developed is dismissed without prejudice.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 10th day of September, 1953.