

Award No. 6605

Docket No. TE-5829

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

THE ATCHISON, TOPEKA AND SANTA FE RAILWAY CO.

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on The Atchison, Topeka and Santa Fe Railway (Coast Lines), that:

1. The Carrier violated the terms of the current agreement between the parties when on September 15, 1947, it declared abolished the three telegrapher-clerk positions in the passenger station at Riverside, California, without in fact discontinuing the work previously performed by the incumbents and assigned the performance of the same to employees not covered by said agreement; and
2. The work formerly performed by said three (3) telegrapher-clerks at Riverside passenger station shall be restored to the agreement and performed by employees covered by such agreement; and
3. The three (3) employees improperly displaced as a result of the violation, be restored to their respective positions and compensated for all time lost plus expenses while required to work away from their regularly assigned station (Riverside, California passenger station); and
4. All other employees adversely affected by the carrier's action in arbitrarily removing from the agreement work previously performed by the three (3) displaced telegrapher-clerks at Riverside, California, shall likewise be restored to their respective positions and reimbursed for all monetary losses sustained.

OPINION OF BOARD: Under all of the circumstances here obtaining, the claim should be dismissed without prejudice.

FINDINGS: The Third Division of the Adjustment Board upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employees involved in this dispute are respectively carrier and employees 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 claim should be dismissed without prejudice.

AWARD

Claim dismissed in accordance with Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 7th day of May, 1954.