

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

LeRoy A. Rader, Referee

PARTIES TO DISPUTE:

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

RAILWAY EXPRESS AGENCY, INC.

STATEMENT OF CLAIM: Claim of the District Committee of the Brotherhood that

(a) The Agreement governing hours of service and working conditions between Railway Express Agency, Inc. and the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, effective September 1, 1949 was violated at the San Antonio, Texas, Agency April 21, 1950, when the position of Depot Foreman was allegedly abolished and the work assigned to other employees;

(b) The Carrier shall establish a rate of \$266.00, basic per month, for Position 31, Group 27, at the San Antonio Agency effective April 21, 1950; and

(c) Clerk J. N. Anderson shall now be compensated for wage loss sustained as a result of Carrier's action, retroactive to and including April 21, 1950.

EMPLOYEES' STATEMENT OF FACTS: Prior to April 21, 1950 E. E. Thornton, with a seniority date of January 16, 1920, was the regular occupant of position titled Depot Foreman, Group 2, Position 63; hours of assignment 9:00 A. M. to 6:00 P. M. Monday through Friday, (exclusive of meal period) and 9:00 A. M. to 1:00 P. M. on Saturday; day of rest Sunday; salary \$266.00 basic per month. The duties required of the occupant of this position as indicated on Bulletin No. 10, dated February 14, 1949, were:

"Supervise terminal, pickup and deliver routes, receive and dispatch calls, revise charges, write 510's, check drivers, carry overs, strip and bill inbound express, receipt for and assist in handling outbound traffic.

"NOTE: Applicants must have adequate knowledge of the Company's tariffs and current classification, and the ability to compute and correctly assess charges as provided therein on abstract advices and delivery sheets. Tests will be given from time to time

OPINION OF BOARD: On this record Claimant has failed to show by sufficient evidence that the duties he assumed were additional duties of a supervisory nature. Likewise, the record reveals a considerable delay in progressing the claim to this Board. In view of the numerous awards of this Division on both of these questions we deem Petitioner's claims should be denied.

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 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 the Carrier did not violate the Agreement.

AWARD

Claims denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **THIRD DIVISION**

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 7th day of June, 1956.