

Award No. 7969
Docket No. TE-7460

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Frank Elkouri, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

THE LOUISIANA AND NORTH WEST RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Central Committee of The Order of Railroad Telegraphers on The Louisiana and North West Railroad:

That Clerk-Telephoner Neoma Zimmerman shall be paid the difference between what she was paid and that which she should have been paid at the rates of pay established by agreement for the positions she filled and the duties performed each day, Monday, September 13, 1954, through Friday, September 17, 1954; on which days she filed the established positions and performed the duties of both the agent and the clerk-telephoner—rates of pay \$2.335 and \$1.715 an hour, respectively, at Haynesville, Louisiana.

OPINION OF BOARD: For the days September 13, 1954, through September 17, 1954, Claimant was paid the Clerk-Telephoner rate. Under the peculiar facts of the case Claimant is entitled also to be paid the difference between the Clerk-Telephoner rate and the Agent-Telephoner rate. This conclusion is based upon the peculiar facts of this case and the Award herein is not intended to serve in anyway for either party as a precedent for any future case involving facts that are not identical in all respects to those involved herein.

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

That the parties waived hearing on this dispute; and

That the Carrier and the Employees 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 Claim should be sustained to the extent indicated in the Opinion.

AWARD

Claim sustained to extent indicated in Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 20th day of June, 1957.