

Award No. 12978
Docket No. CL-13077

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Don Hamilton, Referee

PARTIES TO DISPUTE:

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

**PHILADELPHIA, BETHLEHEM AND NEW ENGLAND
RAILROAD COMPANY**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-5111) that:

(a) The Carrier violated the Agreement when, effective December 24, 1960, it suspended Claimants from their regularly assigned positions, claiming that their positions were abolished.

(b) Carrier shall now compensate Claimants at the pro rata rate of their positions as follows:

Name	No. Days	Dates Work Lost
W. W. Beidler	1	December 25, 1960
J. P. Ryan	3	December 24, 25, 27, 1960
J. G. Fisher	4	December 25, 27, 28, 29, 1960
J. A. Mertz	4	December 25, 27, 28, 29, 1960
W. C. Lilly	5	December 24, 25, 27, 28, 29, 1960
Jud. Van Horn	5	December 24, 25, 27, 28, 29, 1960
J. J. Kline	6	December 24, 25, 27, 30, 31, 1960 January 1, 1961
R. M. Dorney	7	December 24, 26, 27, 30, 31, 1960 January 2, 3, 1961
R. W. Thatcher	7	December 24, 25, 29, 30, 31, 1960 January 1, 3, 1961
A. R. Mack	7	December 24, 25, 27, 28, 31, 1960 January 1, 3, 1961
J. P. Sawaska	7	December 24, 25, 29, 30, 31, 1960 January 1, 3, 1961

OPINION OF BOARD: This case is the same in all material respects as in Award No. 12974.

We adopt the opinion therein as determinative of the issues in this case.

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

That the parties waived oral hearing;

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 Agreement was violated.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois this 14th day of October 1964.

CARRIER MEMBERS' DISSENT TO AWARD 12978, DOCKET CL-13077

We dissent to this award for the reasons previously stated in our Dissent to Award 12974.

W. F. Euker
R. A. DeRossett
C. H. Manoogian
G. L. Naylor
W. M. Roberts

LABOR MEMBER'S ANSWER TO CARRIER MEMBERS' DISSENT TO AWARD 12978, DOCKET CL-13077

Our answer to Carrier Members' Dissent to this Award is the same as that which we state in our Answer to Carrier Members' Dissent to Award 12974, Docket CL-12597.

D. E. Watkins
Labor Member