



Award No. 14655

Docket No. TE-12728

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

David H. Brown, Referee

PARTIES TO DISPUTE:

**TRANSPORTATION-COMMUNICATION EMPLOYEES UNION
(Formerly The Order of Railroad Telegraphers)**

MISSOURI-KANSAS-TEXAS RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Missouri-Kansas-Texas Railroad of Texas, that:

1. The Carrier violated the Agreement between the parties when, commencing July 14, 1960, it abolished the position of agent-telegrapher at Whitney, Texas, located on Carrier's South Texas Division, and transferred the work of said position to Hillsboro, Texas, located on Carrier's North Texas Division, to be performed by employees who possess no seniority rights on the South Texas Division.

2. Because of such violation of the Agreement, Carrier shall be required to compensate Agent-Telegrapher Mrs. La Vina B. Hall at the rate of \$2.3725 per hour, plus applicable increases thereto together with all expenses, for each day she was deprived from working at Whitney and forced to work elsewhere; and also

3. Compensate the senior extra employees for any wage losses incurred as the result of the improper abolishment of this position.

EMPLOYEES' STATEMENT OF FACTS: On July 13, 1960, Carrier's Superintendent R. B. George, Denison, Texas, issued Bulletin No. 24 addressed to Agents and Yardmasters; Train and Enginemen — Rotan Subdivision (on Carrier's South Texas Division) reading as follows:

"Effective with close of business today, July 13, 1960, Whitney, Texas, agency will be permanently closed, as authorized by the Railroad Commission Docket No. 1628-RO, dated July 8, 1960, and will hereafter be a non-agency prepay station.

"All business for Whitney will be handled by the agency at Hillsboro, Texas. Agent at Hillsboro will accept 'Collect' telephone calls from persons in Whitney concerning railroad business. Agent at Hillsboro will prepare bills of lading and waybills for outbound shipments based upon information conveyed to him by long distance tele-

50.7 rail miles. Hillsboro is located on the Fort Worth Subdivision or on Carrier's main track from Fort Worth to Waco and is approximately 12.5 miles east of Whitney via highway. Whitney and Hillsboro are on different seniority districts.

Claim was made by The Order of Railroad Telegraphers on behalf of Mrs. L. B. Hall, Agent at Whitney prior to closing that station, and unnamed extra employes, alleging Carrier transferred work of Agent from one seniority district to another in violation of the Agreement. The Carrier declined the claims as there was no transfer of work or agreement violation as merely alleged by the Organization.

Attached hereto and made a part hereof is copy of correspondence exchanged by the parties in handling this case on the property, Carrier's Exhibit B.

(Exhibits not reproduced.)

OPINION OF BOARD: This claim is based upon an asserted violation of the Agreement when Carrier closed its agency at Whitney, Texas abolished the position of agent-telegrapher there situated, and transferred the work to the agency at Hillsboro, Texas, a location within a different seniority district from that encompassing Whitney.

The claim is predicated on Award No. 5437 and awards there cited wherein transfer of work from one seniority district to another were held to be in violation of the respective agreements involved.

But here Claimants have wholly failed to make out a case because they have not shown that subsequent to the closing of the agency at Whitney any work belonging exclusively to Claimants was actually performed at Hillsboro. We cannot sustain a claim not supported by facts reflecting an actual transfer of work.

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 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

The record does not reflect a violation of the Agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 15th day of July 1966.

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