



Award No. 14883
Docket No. MS-15659

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

John H. Dorsey, Referee

PARTIES TO DISPUTE:

VINCENT F. CRONAN

READING COMPANY

STATEMENT OF CLAIM: (1) That Carrier violated and continues to violate the Rules of the Clerks' Agreement, when, on June 15, 1964, it allowed Clerk William J. Wagner of District #17 Seniority District to claim position held by Clerk Vincent F. Cronan of District #14 Seniority District, in direct violation of Agreement of September 16, 1958 between Brotherhood of Railway Clerks and Reading Company.

(2) That Clerk Vincent F. Cronan be compensated at rate of \$20.5940 at time and one-half rate per day, effective June 15, 1964, and that he continue to receive this rate of pay, plus any and all wage increases subsequent to June 15, 1964, as agreed upon by Carrier and Brotherhood of Railway and Steamship Clerks, until restored to position of Service Record Clerk, Superintendent's Office, Reading, Pa., from which position he was illegally removed.

(3) That Clerk Vincent F. Cronan be restored to District #14 Seniority Roster with prior dating, from which roster he was removed in violation of Rule 25 of Agreement between Reading Company and Brotherhood of Railway and Steamship Clerks dated July 1, 1944, corrected November 1, 1952.

(4) That Clerk Vincent F. Cronan be entitled to claim any position on District #14 for which he would have been the senior applicant during the period of illegal removal from District #14 Roster, and that he receive difference in pay between job actually worked and job which he should have been awarded, from effective date of illegal award.

OPINION OF BOARD: The record in this case contains conflicting assertions and is insufficient as to material facts. In view thereof we are compelled to dismiss the Claim.

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 Claim must be dismissed for failure of proof.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 26th day of October 1966.