

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

John H. Dorsey, Referee

PARTIES TO DISPUTE:

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

KANSAS CITY TERMINAL RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-5965) that:

(a) The Carrier violated the Agreement between the parties Monday, October 4, 1965, when it failed to call extra board Mail Handler, Wm. P. Doyle, and;

(b) The Carrier violated the Agreement between the parties Tuesday, August 31, 1965, when it failed to call extra board Mail Handler, Ronald J. Kimberling, and;

(c) The Carrier shall now be required to make Wm. P. Doyle and Ronald J. Kimberling each whole for loss of compensation on the above dates in the amount of 8 hours' pay at rate and one-half.

EMPLOYES' STATEMENT OF FACTS: Claimants as of dates of claim were extra men subject to being called for work in seniority order in accordance with the provisions of a Memorandum Agreement signed April 25, 1957, and amended October 1, 1959 and January 14, 1964. Copy of the amended Agreement is attached as Employees' Exhibit No. 1. This Agreement is also identified as Appendix H of the printed Agreement with the exception that Exhibit No. 1 carries the January 14, 1964 amendment to Article II, Section (d).

Birthdays of claimants Doyle and Kimberling occurred October 4 and August 31, 1965, respectively. Although possessing sufficient seniority to be called the Carrier did not call them pursuant to a notice posted January 1, 1965, by Mail Agent, Mr. V. F. Juel, reading:

"January 1, 1965

22

BULLETIN

Employees in the Mail and Baggage Department affected by provisions of the Mediation Agreement made the 20th day of November,

CARRIER'S STATEMENT OF FACTS: Claimant Extra Mail Handlers Wm. P. Doyle and R. J. Kimberling were assigned to the extra board. Extra employees are called in seniority order to fill short vacancies in the Mail and Baggage Department.

In Claim (a), Monday, October 4, 1965, was Claimant Doyle's birthday and he was not called for service.

In Claim (b), Tuesday, August 31, 1965, was Claimant Kimberling's birthday, and he was not called for service.

Claim was submitted for a day's pay at time and one-half rate account not called for service in seniority order on the claim dates.

OPINION OF BOARD: This case involves the same parties, Agreement and issue as in Award Nos. 15598 and 15599. For reasons stated in Award No. 15598 we will sustain the instant 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 Carrier violated the Agreement.

AWARD

Claim sustained.

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

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 30th day of June 1967.