

Award No. 16057
Docket No. TE-14566

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Thomas J. Kenan, Referee

PARTIES TO DISPUTE:

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

ATLANTIC COAST LINE RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Atlantic Coast Line Railroad, that:

1. Carrier violated the Agreement between the parties when on June 27, 1962, it unilaterally and arbitrarily declared abolished the position of Clerk-Telegrapher at Douglas, Georgia, without in fact abolishing the work of the position, and concurrently therewith assigned the work of the position to an employee, or employees, not covered by said Agreement.

2. Because of this violative action, Carrier shall be required to return W. W. Mims to his regular assignment of Clerk-Telegrapher at Douglas, Georgia, and reimburse him for all monetary losses sustained in accordance with the terms of Article 8 of the Agreement.

3. Commencing June 27, 1962, and continuing on a day-to-day basis, so long as the violation outlined above exists, Carrier shall compensate J. C. Rhoden and/or others, seniority in preference, in the amount of a day's pay of eight (8) hours at the applicable rate of the Clerk-Telegrapher position at Douglas, Georgia for each such day of violation. A joint check of the Carrier's records to be made to determine who is entitled to compensation.

EMPLOYEES' STATEMENT OF FACTS: The Agreement between the parties, effective November 1, 1939, as amended and supplemented, is available to your Board and by this reference is made a part hereof.

Prior to June 27, 1962, there were three positions at Douglas, Georgia, a Supervisory Agent, a Clerk-Telegrapher and a Cashier-Clerk. W. W. Mims (a Claimant in this dispute) was regularly assigned to the position of Clerk-Telegrapher with an assignment working 8:00 A. M. to 5:00 P. M. (one hour for lunch) Monday through Friday. On June 27, 1962, without conference or agreement with the duly accredited Representatives of the employees the Carrier

claim of the Employees, the claim that the position be restored was at all times declined.

OPINION OF BOARD: This is a companion claim to that involved in Award Number 16054. For the reasons set forth therein, this claim must be denied.

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 Employee involved in this dispute are respectively Carrier and Employee 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 no violation of the Agreement occurred.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 17th day of January 1968.