

Award No. 19031
Docket No. CL-18542

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Robert M. O'Brien, Referee

PARTIES TO DISPUTE:

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

NORTHERN PACIFIC RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6732) that:

1. (a) Carrier violated the rules of the current Clerks' Agreement, which became effective July 1, 1963, by having a telegrapher perform the work of handling mail and baggage to and from Train No. 1, and check and deliver baggage and prepare reports incident thereto on each day from Monday through Sunday, at Bismarck, North Dakota, commencing with April 8, 1968.

(b) Carrier violated the rules of the current Clerks' Agreement, which became effective July 1, 1963, by having a telegrapher perform the work of handling mail and baggage to and from Trains Nos. 2, 25 and 26 on each Saturday and Sunday, commencing with April 8, 1968.

2. (a) Carrier shall now allow Gunder Gunderson, Night Baggage-man, Bismarck, North Dakota, and his successors, payment of two hours at time and one-half rate on each day from Monday through Sunday, commencing with April 8, 1968.

(b) Carrier shall now allow Gunder Gunderson, Night Baggage-man, Bismarck, North Dakota, and his successors, payment of eight hours at time and one-half rate on each Saturday and Sunday, commencing with April 8, 1968.

EMPLOYEES' STATEMENT OF FACTS: Prior to April 8, 1968, the following positions were maintained at Bismarck, North Dakota:

M. H. Heatherington	— Day Baggage-man	11:00 A.M. to 8:00 P.M. — Monday-Friday
Gunder Gunderson	— Night	" 10:00 P.M. to 6:00 A.M. — Thursday-Monday
Oscar Grossman	— Relief	" 11:00 A.M. to 8:00 P.M. — Saturday Baggage-man

Agreement could not be reached between the BRAC and the Carrier in disposition of this claim.

Attached as Carrier's Exhibit "A" are copies of all correspondence concerning the handling of this claim on the property.

(Exhibits not reproduced.)

OPINION OF BOARD: The record in this case indicates, conclusively, that the claim presented to this Board is not the same claim as was presented and handled on the property.

This Board has consistently held that where there is a substantial variance between the claim handled on the property and that presented to the Board the Board will not attempt to resolve such a dispute. See Awards 16607, 16525, 15384, 14258, 13235. Accordingly we will 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 we will dismiss the claim.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: E. A. Killeen
Executive Secretary

Dated at Chicago, Illinois, this 28th day of February 1972.