

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19279
Docket Number TE-15468

Clement P. Cull, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employees
(Formerly The Order of Railroad Telegraphers)
(
(Northwestern Pacific Railroad Company

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad
Telegraphers on the Northwestern Pacific Railroad, that:

1. The Carrier violated and continues to violate the terms and intent of the Telegraphers' Agreement between the parties, particularly Rules 1, 2, 3 and 14, when, commencing on or about January 3, 1959, acting without conference and agreement it allegedly abolished the positions of Agents and Telegraphers at the agencies listed:

Novato	Sonoma	Tiburon
Fernbridge	Alton	Geyserville

The duties and work at these agencies have not in fact been abolished; instead the work of accounting for all Northwestern Pacific Railroad and Pacific Motor Trucking freight, preparation of waybills, freight bills, collection of all freight charges, rating and related agency work was transferred to adjacent and/or regional accounting agencies, and it is now being performed by employees not subject to the Telegraphers' Agreement.

2. The agency positions listed below were allegedly discontinued and the work removed therefrom, on the dates shown:

Novato, California	Jan. 3, 1959
Fernbridge	" June 18, 1959
Sonoma	" Dec. 19, 1959
Alton	" June 22, 1960
Tiburon	" Nov. 16, 1960
Geyserville	" Dec. 16, 1960

3. The Carrier shall restore such work as has been transferred from the above named stations, to the employees subject to this Agreement from whom it was unilaterally taken, and each employee adversely affected by reason of such violation shall be reimbursed for any wage loss, plus actual expenses from October 16, 1961.

OPINION OF BOARD: In recent Award 18920, involving the same parties, a similar factual situation, the same agreement, and the same issues were considered by this Division of the Board, resulting in a denial award.

No reasons for finding the prior award to be in palpable error having been advanced or perceived, we must find it to be controlling of our decision here.

Accordingly, the claims herein will be denied.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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 the Agreement was not violated.

A W A R D

Claims denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: E. A. Killen
Executive Secretary

Dated at Chicago, Illinois, this 22nd day of June 1972.