

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19316  
Docket Number CL-19076

Thomas L. Hayes, Referee

(Brotherhood of Railway, Airline and Steamship Clerks,  
( Freight Handlers, Express and Station Employees

PARTIES TO DISPUTE: (

(Lehigh Valley Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6863)  
that:

(a) Carrier violated and continues to violate the Agreement between the parties effective May 1, 1955, as revised, when it removed the work of position, Clerk, Meshoppen, Pa.-Mehoopany, Pa. and assigned it to, and/or permits it to be performed by, The T.C.U. Organization Employees who have no seniority, or other rights thereto, under the Clerks Agreement; and,

(b) Carrier shall be required to restore the work at this point to employees under the scope and operation of the Clerks' Agreement; and,

(c) Carrier shall also be required to pay eight (8) hours pay per day to employees adversely affected due to this violation from the date a T.C.U. employee was assigned to this position, and continuing each day there after until the violation is corrected.

(d) Employees entitled to this claim are, D. Luchaco, R. Harris, and their successor and/or successors.

OPINION OF BOARD: The record shows that a clerical position was abolished on February 18, 1969. A relief agent position was established effective October 13, 1969.

Our review of the entire record fails to establish proof by the Petitioner that work reserved to clerks was transferred to employees not covered by the Agreement. The claim will, therefore, be denied.

In view of our decision on the merits of the dispute, it is not necessary to pass upon the procedural issues raised by the Carrier.

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;

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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

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: E. A. Killen  
Executive Secretary

Dated at Chicago, Illinois, this 30th day of June 1972.