

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19393  
Docket Number CL-19369

Joseph E. Cole, Referee

PARTIES TO DISPUTE: ( (Brotherhood of Railway, Airline and Steamship Clerks,  
( Freight Handlers, Express and Station Employees  
( J. F. Nash and R. C. Haldeman, Trustees of the Property of  
( Lehigh Valley Railroad Company, Debtor

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6949)  
that:

(a) Carrier violated the Agreement between the parties effective May 1, 1955, as revised, when it denied senior employee Joseph E. Mendyke, the right to perform overtime work as a clerk at Tifft Terminal, Buffalo, N.Y., on December 1, 2, 5, and 6, 1969, and junior employee Mr. T. Camizzi, was used instead, and

(b) Carrier shall now be required to compensate Mr. Joseph E. Mendyke, clerk at Tifft Terminal, Buffalo, N.Y., for these four (4) days, December 1, 2, 5 and 6, 1969, at punitive rate.

OPINION OF BOARD: On December 1, 2, 5 and 6, 1969, Carrier required and authorized overtime in connection with the preparation of Interchange Report Form No. 401. Work in connection with this form is common to both claimant Mendyke's and junior employee Camizzi's assignments.

On December 1 and 2, 1969, Camizzi performed the overtime work during the same time claimant Mendyke was on duty and under pay. On December 5 and 6, 1969, Camizzi performed the work continuous with his own assigned work day.

In the circumstances, we do not feel that claimant Mendyke's rights were violated.

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;

Award Number 19393  
Docket Number CL-19369

Page 2

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 is denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

E. A. Killen  
Executive Secretary

Dated at Chicago, Illinois, this 15th day of September 1972.