

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19438
Docket Number CL-19521

Joseph E. Cole, Referee

(Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employees
PARTIES TO DISPUTE: (
(New York, Susquehanna and Western Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-7035)
that:

(A) Carrier violated the Clerks' Agreement, particularly the Agreement of April 14, 1964, beginning with the month of October 1967 when it failed or refused to pay supplemental pensions to the Claimants named in Item (B) hereof, and

(B) Carrier shall be required to make payment of supplemental pensions each month beginning with the payment due for the month of October 1967 to each of the individuals named below in the amount indicated and same shall be continued for the life of the Claimants,

<u>Name</u>	<u>Amount Per Month</u>
E. Davis	\$120.00
J. W. Vandenberg	105.00
J. F. Meade	105.00
D. V. F. Hanners	75.00
G. M. Hanners	75.00
O. See	75.00
S. Likefield	75.00
F. Bowen	75.00
E. Anderson	75.00
C. Pasquirello	75.00

and,

(C) In addition to the money amounts claimed herein, Carrier shall be required to pay Claimants an additional amount of 6% per annum from date each monthly payment was due up to time payments are made.

OPINION OF BOARD: 1. Pensioners are employees as long as they receive, or are supposed to receive, emolument from the employer. All evolves from the employment, and they are under the contemplation of the Railway Labor Act.

2. Carrier agrees that the supplemental pensions should be paid and agrees in the letter February 1969 that 6% interest will be paid as soon as the Carrier is able to make the payments.

3. This Board will not comment on the results of the Carrier just not having the money to pay the claim.

4. However, this claim is just, and is owed to the claimants with interest, by agreement.

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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 the Agreement was violated.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

E. A. Killen
Executive Secretary

Dated at Chicago, Illinois, this 17th day of October 1972.