

NATIONAL RAILROAD **ADJUSTMENT** BOARD

THIRD DIVISION

Award **Number** 20139
Docket Number TD-20073

Irving T. Bergman, Referee

PARTIES TO DISPUTE: (American Train Dispatchers Association
(**St.** Louis-San Francisco Railway Company

STATEMENT OF CLAIM: Claim of the American Train Dispatchers Association that:

(a) The St. Louis-San Francisco Railway Company (hereinafter referred to as "the Carrier") violated the effective Agreement between the parties, Articles III, Section 2(e), IV(d), IV(e) and IV(1)3 thereof in particular, by its failure to call Claimant Extra Train Dispatcher C. E. Doggett to perform service on Position No. 1 on **December** 7, 1971.

(b) Because of said violation, Carrier shall now be required to compensate Claimant Doggett the difference between one (1) day's **compensation** at the pro-rata daily rate applicable to trick dispatchers and the **pro-rata** daily rate applicable to Chief Dispatchers for December 7, 1971.

OPINION OF BOARD: This is a companion claim to those of Awards 20136 and 20137. The Claimant is the same, the alleged **violation** of Agreement is the same, the parties are the same, the facts are the same. There is a difference in the date involved and the amount claimed in Award 20136 but that does not affect the primary issue of alleged violation of Agreement.

In Award 20136, we found that the Agreement was not violated as alleged. The record in this **Docket** is the same as that submitted by the parties in Award 20136.

We adopt the Opinion of Award 20136 as though it were fully set forth **at** length in this case.

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

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The Carrier did not violate the Agreement.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third **Division**

ATTEST: *A. W. Paulson*
Executive Secretary

Dated at Chicago, Illinois, this 15th **day of** February 1974.