

NATIONAL RAILROAD ~~ADJUSTMENT~~ BOARD

THIRD DIVISION

Award **Number 20356**
Docket Number CL-19693

John H. Dorsey, Referee

(Brotherhood of Railway, Airline and Steamship
{ Clerks, Freight Handlers, Express and
{ Station Employees
PARTIES TO DISPUTE: {
(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-7058)
that:

(a) Carrier violated the Agreement between the parties effective May 1, 1955, as revised when it supposedly abolished position of Clerk-Messenger at East Buffalo, New York effective June 5, 1970 resulting in P. Maholsic incumbent of this position displacing J. Stanford, Foreman Cooper Track, Buffalo, New York, making it necessary for J. Stanford to displace a Freight Handler at the Cooper Track, and

(b) Carrier abolished the position of Clerk-Messenger at East Buffalo, New York, but the work and/or duties remain. This position works every day from the Extra-List seven (7) days per week including overtime, and

(c) Carrier shall now be required to restore the position Clerk-Messenger at East Buffalo, New York, and

(d) Carrier shall now be required to compensate Mr. J. Stanford and/or successor(s) the difference in rate of pay between that of Freight Handler and For- plus subsequent wage increases from June 5, 1970, until such time as this violation is corrected.

(e) Carrier not having given a proper denial as required under Rule 33, Time Limits, (Employee Exhibit No. 6) paragraph two (2), this claim must be allowed.

OPINION OF BOARD: The record in this case does not **support**, by material and relevant evidence of substantive probative **value, a sustain-**
ing Award. We, consequently, are compelled to deny the claim for lack of proof.

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

The record, for reasons stated above, does not prove the allegations of the Claim in whole or in part.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 23rd day of August 1974.