

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20905
Docket Number CL-20658

William M. Edgett, Referee

(Brotherhood of Railway, Airline and Steamship
(Clerks, Freight Handlers, Express and
(Station Employes
PARTIES TO DISPUTE: { Burlington Northern Inc.

STATEMENT OF CLAIM: Claim of the Burlington Northern System Board of Adjustment (CL-75041) that the Carrier:

1. Violated the Working Agreement, with an effective date of March 3, 1970, at Grand Forks, North Dakota, on October 2 and October 5, 1972, when it assigned Mr. Richard D. Horner, Chief Clerk, to fill a vacancy on overtime on the position of ISC Clerk and on the position of Assistant Chief Clerk respectively, and failed to pay him at the time and one-half rate of his regular assignment which is superior to the rates of the assignments filled.

2. Shall now be required to make payment of difference between the time and one-half rates that were allowed and the time and one-half rate of his regularly assigned position.

OPINION OF BOARD: The basic facts and the applicable provisions of the Agreement are essentially the same in all material respects to those found in Award No. 20820, the Board's decision in that case mandates a sustaining Award here.

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 Employes involved in this dispute are respectively Carrier and Employes 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.

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Claim sustained.

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By Order of Third Division

ATTEST: *A. W. Pauls*
Executive Secretary

Dated at Chicago, Illinois, this 16th day of January 1976.