

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 Employees

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 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.

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Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. W. Pauls
Executive Secretary

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