

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number ~~20959~~
Docket Number W-20777

Francis X. Quinn, Referee

(Brotherhood of Railway, Airline & Steamship
(Clerks, Freight Handlers, Express and
(Station **Employees**

PARTIES TO DISPUTE: (

(**REA** Express, Inc.

STATEMENT OF CLAIM: Claim of the District **Committee** of the Brotherhood
(GL-7634) that:

1. **The** Agreement governing hours of service and working conditions between the parties, effective May 3, 1970, was violated at the Portland, Oregon agency when on January 27, 1972, the Carrier refused to pay Mr. E. J. Halverson's claim for additional pay due to delay on his Over-The-Road tour of duty.

2. **Mr.** Halverson now be compensated for eight (8) hours delay pay at the rate of \$3.76 per hour.

OPINION OF BOARD: The record indicates that the claimant was off duty during the period for which claim is made and that the reason he was off duty was that Federal Government Regulations required it. Since the claimant was off duty, pursuant to law and not the direction of REA, we find no basis for the claim for pay for this off-duty time.

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 not violated.

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Claim denied.

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

ATTEST:

AW Pauls
Executive Secretary

Dated at Chicago, Illinois, this **13th** day of **February 1976**.