

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20999  
Docket Number CL-20887

Francis X. Quinn, Referee

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

PARTIES TO DISPUTE:

I  
(Missouri Pacific Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood  
(GL-7610) that:

1. Carrier violates and **continues** to violate Rule **44** of the Clerks' Agreement which became effective March 1, 1973, when It **failed** and refused to assign the work of weighing **cars** at Rusaellvllle, Arkansas, to employes covered by the Agreement, but allowed persons not covered by the Agreement to weigh **cars** at that location. (**Carrier's** File **380-3113**)

2. Carrier **shall** now be **required** to **compensate** Star Agent R. T. **Gramlich**, eight (8) **hours'** pay at pro rata rate beginning March 1, 1973 **and** continuing each work day thereafter, **Monday through** Saturday, **until** the violation **is** corrected by assigning the work of **weighing** cars at **Russellville** to employes covered by the Agreement. Claim **is** in **addition** to any other compensation claimant **has** received for services rendered.

OPINION OF BOARD: **The** record indicates that **Rule 44** does not prohibit the **Missouri Pacific** Railroad Company from entering Into a contract with the D & R permitting the D & R's use of the **MP** scale at **Russellville** for the **weighing** of D & R cars prior to interchange to the **MP**. We find **no** violation of the Agreement. **Therefore**, the claim **is** denied.

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;

Award **Number** 20999  
Docket **Number** CL-20887

Page 2

That **this** Division of the Adjustment **Board** has jurisdiction  
**over the** dispute **involved herein;** and

That the Agreement **was** not violated.

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,** thle **12th** day of **March 1976.**