

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21350
Docket Number CL-21325

Dana E. Efschen, Referee

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

PARTIES TO DISPUTE: (

(Norfolk, Franklin & Danville Railway

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood, GL-7982, that:

1. Carrier violated the agreement between the parties when on October 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29, 30 and 31 and November 1, 1974, it refused or failed to compensate Extra Telegrapher L. T. Jarratt for the Agent-Operator's rate of pay and in lieu thereof compensated him at the Clerk-Operator rate of pay while working at Franklin, Virginia.

2. Carrier shall now be required to compensate Extra Telegrapher L. T. Jarratt for eight (8) hours each date listed in Item 1 the difference between the Agent-Operator rate at Franklin, Virginia of \$5.4675 per hour and the Clerk-Operator rate paid \$5.0875 per hour.

OPINION OF BOARD: Claimant L. T. Jarratt is employed by Carrier at Franklin, Virginia as an Extra Relief Clerk-Operator. On claim dates the regularly assigned Agent-Operator at Franklin worked his assigned hours of 7:00 A.M. to 3:00 P.M. Claimant was called to work as Clerk-Operator on those dates from 2:00 P.M. to 10:00 P.M. Claimant was reimbursed at the Clerk-Operator rate of pay but he claims payment at the Agent-Operator rate. There is no probative evidence that the Claimant relieved the Agent-Operator on the dates in issue and there is no proper basis for awarding the difference in pay as claimed.

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

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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, this 16th day of December 1976.

