

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number **21431**
Docket Number CL-21066

William M. Edgett, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station **Employes**
(
(The Atchison, Topeka and Santa Fe Railway Company
(- Eastern Lines -

STATEMENT OF CLAIM: Claim of the System **Committee** of the Brotherhood,
GL-7740, that:

(a) Carrier violated the Mediation Agreement of February 25, 1971 when it failed and refused to **allow** R. D. Horn separation allowance.

(b) Carrier shall now allow **R. D. Horn** separation allowance as provided for in Article VIII, Section 6, of the Mediation Agreement of February 25, 1971.

OPINION OF BOARD: The resolution of this **claim** hinges on a factual **determ-**
ination of whether **claimant** was placed in an off-in-force status as a result of the abolishment of Position **HN-9** at La Junta. The chain of displacements is complex and there is no reason to recite the details here. The Board has given the entire matter a detailed and close review. It has concluded that **claimant** was displaced as a result of the **abolishment** of job HN-9 and that his **claim** must be sustained.

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.

A W A R D

Claim **sustained**.

NATIONAL RAILROAD ADJUSTMENT BOARD

By Order of Third Division

ATTEST:


Executive Secretary

Dated at Chicago, Illinois, this **28th** day of February 1977.