

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21484
Docket Number CL-21444

Robert M. O'Brien, Referee

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

PARTIES TO DISPUTE: (

(**Robert W. Blanchette**, Richard C. Bond
(and John H. **McArthur**, Trustees of the
(Property of Penn Central Transportation
(Company, Debtor

STATEMENT OF CLAIM: Claim of the System **Committee** of the Brotherhood,
GL-8043, that:

(a) Carrier violated the Clerks **Agreement** at Runt's Point Market, New York, when **on** February 19, 1974, **and** continuing through October 3, 1974, it failed to fill, bulletin and/or abolish the For- position FF-41.

(b) Clerk **John C. Kelly**, seniority date November 9, 1939, be compensated \$5.688 per day **commencing** February 19, 1974 through October 3, 1974. **NOTE:** Reparation to be determined by joint check of Carrier's payroll and other records.

OPINION OF BOARD: On April 15, 1974 the Organization filed the instant claim alleging that the Carrier violated the applicable Agreement between the parties when they failed to abolish and **rebulletin** a clerical position assigned to one N. T. Baffa on October 22, 1973. The Organization argues that certain transactions described **in** the record violated **Rules** 3, 37, 39, and 45 of the agree-t. We have carefully examined the entire record and do not find a violation under the particular facts before us. The claim will be 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 **Employees** involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

Award Number **21484**
Docket **Number** CL-21444

Page 2

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

The Agreement was not violated.

A W A R D

Claim denied.

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By Order of Third Division

ATTEST:

A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this **31st** day of March 1977.

