

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21508  
Docket Number CL-21305

Dana E. **Eischen**, Referee

(Brotherhood of **Railway**, Airline and Steamship Clerks,  
( Freight Handlers, Express and Station **Employees**  
PARTIES TO DISPUTE: (  
(**Seaboard** Coast Line Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood, GL-7885,  
that:

1. Carrier violated the Agreement **when** in the absence of a **quali-**  
fied unassigned employee, it failed to call senior regularly assigned Clerk  
D. B. Eure to fill an extra assignment at Carrier's Southover Yard, Savannah,  
Georgia, beginning at **11:00** P.M., March 6, 1974.

2. Because of the aforementioned violation, Carrier shall compen-  
sate Clerk D. B. Eure eight (8) hours at time and one-half rate.

OPINION OF BOARD: Claimant at the time this dispute arose was regularly  
assigned from 7:00 A.M. to 3:00 P.M. **He** was the senior  
**employee** and was requested to work an extra **assignment** 12:00 midnight to 8:00  
A.M. As this interfered **with his** regular job beginning at 7:00 **A.M.**, he  
declined the request. The hours of the extra assignment were later changed  
to **11:00** P.M. to 7:00 A.M. Claimant Eure was not given a **chance** to work the  
extra assignment with the changed hours, but the extra **assignment** was filled  
by a junior employee.

The claim before the Board as shown in Petitioner's notice of in-  
tention to file **ex parte** submission dated April 17, 1975, involves only the  
contention that Carrier violated the **Agreement when** in the absence of an  
unassigned **employee**, it failed to call regularly assigned clerk D. B. **Eure** to  
fill an extra assignment at Carrier's Southover Yard, Savannah, Ga., beginning  
at **11:00** P.M., March 6, 1974, and that because of the alleged violation Clerk  
D. B. Eure be **compensated eight** hours at **time** and one-half rate. The Car-  
rier's submission goes into detail involving various other claims, including  
the claim in **behalf** of D. B. Eure. We **shall** confine our consideration to the  
claim **set** forth in the notice to file **ex parte** submission, i.e., the claim in  
**behalf** of D. B. **Eure**.

The Board finds that when the Carrier decided to change the hours  
of the extra assignment to **11:00** P.M. to 7:00 A.M. **which** would not have inter-  
fered with claimant's regular assignment, it should have offered the work to  
him as the senior employee. We will, therefore, sustain the claim, awarding  
the claimant the compensation that he would have earned if he had been used  
on the extra assignment 11:00 P.M. to 7:00 A.M. We do not consider that it  
would have imposed an undue burden on the Carrier to have made a second call  
to the claimant **when** it was decided to change the hours of the extra assign-  
**ment**.

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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 violated.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

*A. W. Pauls*  
Executive Secretary

Dated at Chicago, Illinois, this 29th day of April 1977.

