

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21521
Docket Number CL-21282

Robert J. Ables, 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-7866, that:

(a) The Carrier violated the Rules **Agreement** effective February 1, **1968**, particularly the Scope **Rule**, when they permitted Terminal Service **Employees** to perform the work of Auto Messengers. The Terminal Service Employees used are as follows:

First Shift - Mr. Sefton, Mr. **Brennan**, Mr. Jackson
Second Shift - Mr. Fischer, **Mr.** Bishop, Mr. Byrd
Third Shift - Mr. Woodruff, Mr. Fredrick, Mr. Moore
Relief - Mr. **Boling**, Mr. Bassett, Mr. **Gladwell**, Mr. **Staytes**

(b) Claimants, F. Dupree, W. O. George, J. W. **Mandrell**, H. **Sufan**, **P. B.** Mosley, J. Ferguson, A. T. Derosssett, **C.** Meece, W. C. Anderson, R. E. **McArtor**, J. D. Brooks, and S. E. Hale, furloughed Group 2 employees be allowed **8** hours each date at the rate of **\$34.46** per day, 5 days per week, beginning June 10, 1972 and continuing each and every day until this violation is corrected.

(c) Claim is being presented and progressed in accordance with Rule 7-B-1, and should be allowed.

OPINION OF BOARD: The facts and issues involved in this dispute were considered in some detail in our recent Award **21339** (Blackwell), which we find controlling. For the reasons set forth in that Opinion, the present 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 **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 not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **Third** Division

ATTEST:

A. W. Paulus
Executive Secretary

Dated at Chicago, Illinois, this **19th** day of **May** 1977.

