

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21575
Docket Number CL-21084

Lloyd H. Bailer, Referee

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

PARTIES TO DISPUTE:

(The Baltimore and Ohio Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-7749) that:

(1) Carrier violated the Agreement between the parties when on June 5, 6, 7, 8, 9, 10, 11, 11, 13, 14, 15, 16, 18, 19, 20, 21, 21, 22, 23, 24, 25, 26, 26, 28, 28, 29, 30, July 1, 2, 2, 3, 3, 4, 7, 7, 8, 8, 10, 10, 11, 12, 12, 13, 13, 14, 14, 15, 16, 17, 18, 18, 19 and 19, 1973, it caused and permitted Train Dispatchers located at Deshler, Ohio to engage in the blocking of trains using the Bowling Green Sub-Division at Tontogany, Ohio, and

(2) Carrier shall, as a result, compensate Operators R. M. Long, J. M. Lovejoy, J. F. Spangler, T. D. Thompson, D. W. Luderman, R. M. Long, R.-M. Long, J. M. Lovejoy, J. M. Lovejoy, J. F. Spangler, D. W. Luderman, M. E. Starkey, G. L. Romano, J. M. Lovejoy, W. T. Byrum, J. M. Lovejoy, J. M. Lovejoy, T. D. Thompson, G. A. Fitch, C. R. Rush, R. C. Edington, G. L. Romano, J. N. Dean, J. M. Lovejoy, J. F. Spangler, D. W. Luderman, J. F. Spangler, L. J. Becker, M. E. Starkey, N. J. Sundrup, G. L. Romano, W. T. Byrum, T. D. Thompson, J. F. Spangler, D. W. Luderman, C. R. Rush, M. E. Starkey, G. L. Romano, J. M. Lovejoy, W. T. Byrum, J. M. Lovejoy, P. M. George, J. F. Spangler, G. A. Fitch, T. D. Thompson, D. W. Luderman, N. J. Sundrup, W. T. Byrum, J. M. Lovejoy, W. T. Byrum and J. M. Lovejoy, three (3) hours' Pay for the dates of June 5, 6, 7, 8, 9, 10, 11, 11, 13, 14, 15, 16, 18, 19, 20, 21, 21, 22, 23, 24, 25, 26, 26, 28, 28, 29, 30, July 1, 2, 2, 3, 3, 4, 7, 7, 8, 9, 10, 10, 11, 12, 12, 13, 13, 14, 14, 15, 17, 18, 18, 19 and 19, 1973 respectively, also compensate Operators R. M. Long and M. A. Douglas two (2) hours pay for the dates of June 11 and 16, 1973.

OPINION OF BOARD: The basic issues involved in this case have been extensively reviewed and ruled upon in two prior Awards of this Division--Award Nos. 21074 (Lieberman) and 21326 (Lieberman), both involving the same parties as here.

Based upon the entire record of this case, and in view of our **previous decisions** as listed above, which have not been shown to be palpably erroneous, we cannot find a contractual basis for the **result** desired by petitioner. Therefore we must deny this **claim** on the basis of res judicata.

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 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 17th day **of** June 1977.

