

NATIONAL RAILROAD **ADJUSTMENT** BOARD

THIRD DIVISION

Award Number **21651**
Docket Number CL-21511

Robert **M.** O'Brien, 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-8027, that:

1. Carrier violated the Agreement between the parties at Mosgrove, Pennsylvania, when it refused to allow Mr. W. J. Busch 3 hours' additional pay for Sunday, **June** 10, 1973.

2. Carrier shall compensate Claimant Busch 3 hours' additional pay at the rate of the Agent-Operator position at Mosgrove, Pennsylvania for the date of Sunday, June 10, 1973.

OPINION OF BOARD: The claim now before this Board is essentially the same claim that was before this Board in Award Nos. 21074 and 21326. The salient facts, the applicable contractual provisions, and the respective contentions of the parties are virtually identical. This Board has carefully reviewed the findings made by the Board in Award Nos. 21074 and 21326, and we do not find them palpably erroneous. We thus subscribe to the reasoning of the Board in those Awards, and based thereon, we must deny the **instant** claim.

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.

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Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: *A.W. Pauls*
Executive Secretary

Dated at Chicago, Illinois, this 18th day of August 1977.

