

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21945
Docket Number CL-21872

Don Hamilton, Referee

(Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(**Express** and Station **Employees**
PARTIES TO DISPUTE: (
(Consolidated Rail Corporation
((Former Lehigh Valley Railroad Company)

STATEMENT OF CLAIM: **Claim** of the **System Committee** of the Brotherhood
(GL-8240) that:

(a) Carrier Violated the **May 1, 1955 Rules Agreement**, particularly Rules 3, **7, 26, 45** and the applicable Extra List **Agreement**, when it failed to call Extra Clerk Mike Kordek to fill a vacancy **in** the position of Scale Clerk in the Allentown Consolidated Yard on **May 14, 1975.**

(b) Carrier now be required to **compensate Claimant** Mike Kordek for the earnings of which he was deprived by said Agreement Violation on the date of **May 15, 1975.**

OPINION OF BOARD: The issue presented in this dispute, when carved from other extraneous and irrelevant **matters**, concerns the right of the Carrier to **blank** a position where the regular **incumbent marks** off. Petitioner asserts that Rule **7** of the **May 1, 1955, Rules Agreement** and the Extra List **Agreement** afford **him** the **primary** right to be used to fill the position. Carrier contends there is no extra list **agreement** covering the Allentown Consolidated Yard, and for that reason there is no contractual support for the claim

We agree with the Carrier and deny the **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.

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 15th day of March 1978.

