NATIONAL RAILROAD ADJUSTMENT BOARD

Award Number 21968

THIRD DIVISION

Docket Number CL-21831

Don Hamilton, Referee

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

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
                        (GE8206) that:

        (a) The Carrier violated the Rules Agreement, effective
May 1, 1955, particularly Rules 3, 7, 26 and the applicable Extra List
Agreement, when it failed to call Mrs. Dolores Anderson, who was the
senior qualified and available extra clerk for the position of East-
bound Bill Clerk at Oak Island, New Jersey, on the date of November 22,
1974.

        (b) The Carrier now be required to compensate Mrs. Anderson
for one (1) day at the pro rata rate of the position to which entitled
and of which she was deprived by the use of a junior extra clerk.

OPINION OF BOARD: The Organization alleged, but did not present .
                      sufficient evidence to prove, that Kathy McGuiness
worked the Eastbound Bill Clerk position November 22, 1974, when the
work should have been performed by Mrs. Dolores Anderson, the senior
qualified end available extra Clerk. Because the Organization failed
to prove that Kathy McGuiness actually worked the position as alleged,
the claim must 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 Bmployes involved in this dispute
are respectively Carrier and Bmployes 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.Paulos_
Executive Secretary

Dated at Chicago, Illinois, this 31st day of March 1978.