

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21970
Docket Number CL-21848

Don Hamilton, Referee

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

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
GL-8259, that:

(a) Carrier violated the Rules Agreement, effective May 1, 1955, particularly Rules 1 (Scope), 3, 7, 26 and others, also provisions of the applicable Extra List Agreement, when it failed to call **Extra** Clerk, Mrs. E. Gietter for clerical work which had been assigned to a position identified as Notification Clerk prior to the **abolishment** of that position **on** February 26, 1975, and required or permitted the **incumbent** of an excepted position to perform such work at **the** Oak Island, New Jersey Piggyback Trailer on the date of March 10, 1975.

(b) Carrier **now** be required to compensate Mrs. E. Gietter for one day's pay at the pro rata rate of the abolished Notification Clerk's position for the date of March 10, 1975.

OPINION OF BOARD: In this case the Organization failed to offer sufficient proof to establish that the work in question was actually performed. Therefore, 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 **Employees** involved in this dispute are respectively Carrier and **Employees** within the meaning of the Railway Labor Act, as approved June 21, 1934;

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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 31st day of March 1978.

