

NATIONAL RAILROAD **ADJUSTMENT** BOARD

THIRD DIVISION

Award Number **21971**
Docket Number CL-21871

Don Hamilton, Referee

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

STATEMENT OF CLAIM: Claim of the System **Committee** of the Brotherhood
(GL-8241) **that:**

(a) Carrier violated the Rules **Agreement**, effective May 1, 1955, particularly Rules 1 (SCOPE), 3, 7 and **the** applicable **Extra** List Agreement established and maintained pursuant to the terms and conditions of Rule 26, **when** it utilized the **services** of a Taxi-Cab Company to perform work assigned to Clerk-Caller-Messenger positions at Coxton, Pennsylvania, **on** the dates of May 9, 11 and 12, 1975.

(b) Carrier be required to compensate Extra Clerk **K. S. Thoma** for one day's pay at **the** pro rata rate of **the** Clerk-Caller-Messenger position **at** Coxton, Pennsylvania for each of the **three** named dates, or May 9, 11 and 12, 1975.

OPINION OF BOARD: The evidence of record clearly establishes that in prior cases and **in** previous handling on the Property, **the** Carrier and the Organization have agreed **that** the transporting of crews by automobile, although sometimes performed by clerks, does not, **in** fact, come within the scope rule negotiated in the Agreement between the Clerks and the Carrier. Therefore, the **utilization** of a taxicab **company** in **the** instant case does not violate the Agreement.

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.

