

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

Award Number 21974  
Docket Number CL-21911

Don Hamilton, Referee

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

**STATEMENT OF CLAIM:** Claim of the System **Committee** of the Brotherhood  
GL-8261, that:

(a) Carrier violated the Rules Agreement effective May 1, 1955, particularly Rule 21, 36, 43, 44 and **the** provisions of the applicable Extra List Agreement, when it required or permitted a regularly assigned Investigator in the Office of Manager Freight Claims 6 **Prevention** to regularly **commence** the work of his position not less than one (1) hour prior to the assigned on-duty time and failed to compensate said Investigator for the resulting overtime work.

(b) Carrier now be required to compensate Joseph P. **Donohue**, the regularly assigned incumbent of said Investigator position for one (1) hour at the punitive or **overtime** rate of that position for each day on which he performed service commencing January 27, 1975, and continuing until said Rules violation is corrected.

**OPINION OF BOARD:** The facts which have been pled and proven in this case are insufficient to support the claim.

This case must be denied for a failure of proof.

**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  
wet 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.

