

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22192
Docket Number CL-21760

Herbert L. Marx, Jr., Referee

(Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers
(Express and Station Employees

PARTIES TO DISPUTE:

(
(Chicago, Milwaukee, St. Paul and Pacific
(Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood,
GL-8210, that:

1. Carrier violated the Clerks' Rules Agreement on February 16, March 2, 9, 23, 30, April 6 and 13, 1975 when it failed to utilize the regularly assigned employee to perform work on the aforementioned Sundays, which he normally performs Mondays through Fridays.

2. Carrier shall now be required to compensate employee R. A. Fountaine for five hours and twenty minutes (5'20") at the penalty rate of his regularly assigned Position 2120 on February 16, March 2, 9, 23, 30, April 6 and 13, 1975, and all subsequent dates that this violation continues.

OPINION OF BOARD: Among the dates specified in this case, the Organization has withdrawn its claim concerning work on February 16, 1975, and March 23, 1975.

Except as to dates, this claim is identical in all respects to that disposed of in Award No. 21820 (Scearce). The Board denied the Organization's claim in that case, and the Board is not persuaded that the award was in error. The present claim will, therefore, 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 this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was not violated.

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Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. W. Paulke
Executive Secretary

Dated at Chicago, Illinois, this 29th day of September 1978.



That the Carrier and the Employes involved **in** this dispute are respectively Carrier and **Employes** 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 violated.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 29th day of September 1978.;