

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22397
Docket Number CL-22250

Louis Yagoda, Referee

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

PARTIES TO DISPUTE:

(
(Southeastern Demurrage and Storage Bureau

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-8442) that:

"(a) The Bureau has violated the Rules Agreement, particularly Role 34 when they did not allow the **claimant** to perform overtime work that **normally** would have been a part of claimant's regular **assignment**.

(b) Claimant T. D. Bruce should be paid one day's pay for December 12, 1975 at the rate of one and one-half times the regular basic straight **time** rate of the claimant."

OPINION OF BOARD: On December 12, 1975, **C.** R. Terrell was absent.
His work was performed by **employee** J. M. Beasley, who was **on** duty at the **same** location.

The Claimant was observing his rest day **on** claim date. Terrell normally performs the Claimant's duties on rest days.

The Organization contends Role 34(d) dictates the Claimant should **have** been called to perform the work normally performed by **Terrell**. However, the Board finds there is no support for the claim in **Rule 34** and it will 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 27th day of April 1979.

