

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 2239%  
Docket Number CL-22254

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**  
(Gt8443) that:

"(a) The Bureau has violated the **Rules** Agreement, particularly Rule 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 January 2, 1976 at the rate of one and one-half times the regular basic straight time rate of the claimant."

OPINION OF BOARD: This is a companion case to Award No. 22386, involving the absence of R. O. **McCollum**. The Carrier used **employee** Dickie who was on duty to fill Mr. **McCollum's** position. In this regard the Claimant contends that Rule 34(d) requires that he should have been called to perform the duties of **McCollum's** position.

Friday, January 2, 1976, was **Claimant's** assigned rest day. It is also clear the duties to be performed that day by Dickie were part of an assignment, namely, **McCollum's**. Therefore, it cannot be said Carrier violated Rule 34,(d) as it does not require the Claimant be used.

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.

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By **Order** of Third Division

ATTEST:

*J. W. Pauls*  
Executive Secretary

Dated at Chicago, Illinois, this 27th day of April 1979.

