

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number.22675  
Docket **Number** CL-22510

James F. **Scearce**, Referee

(Brotherhood of Railway, Airline and  
( Steamship Clerks, Freight Handlers,  
( Express and Station **Employees**  
PARTIES TO DISPUTE: (  
(The Washington Terminal Company

STATEMENT OF CLAIM: Claim of **the** System Committee of the Brotherhood  
(GL-8585) that:

(a) Carrier violated **the** Rules Agreement, effective July 1, 1972, particularly Article 8(a), and others, when it assigned and permitted junior **employee** Takeela Coates, Clerk, seniority date 8/11/75, to **perform** the duties on vacant position of Clerk, **on an** overtime basis from 4:00 P.M. to 12:00 Midnight, **on** Tuesday, May 10, 1977, and again on an overtime basis from 12:00 Noon to 4:00 P.M., **on** Thursday, **May** 12, 1977.

(b) **Claimant** Donald Liverette be allowed eight (8) hours at **time** and **one-half** rate of pay for Tuesday, May 10, 1977, and four (4) hours at **time** and one-half rate of pay for Thursday, May 12, 1977, that Carrier assigned and permitted Takeela Coates to perform the overtime duties. Claimant Liverette is the senior, qualified, available **employee** and should have been called and worked.

(c) Claim has been presented in accordance **with** Article 19, Item 3(c) and should be allowed.

OPINION OF BOARD: This case in all **significant** details is similar to the dispute resolved by **our** Award **No.** 22674

For the reasons fully developed in Award No. 22674 this claim **is sustained.**

**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 **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. Paulos*  
Executive Secretary

Dated at Chicago, Illinois, this **14th day** of **December 1979**.