

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23030
Docket Number CL-22734

Rodney E. **Dennis**, Referee

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

STATEMENT OF CLAIM: "Claim of the System **Committee** of the Brotherhood
(GL-8661) that:

1. The Western **Pacific** Railroad Company violated the current Clerks' Agreement when on June 1, **1977**, and those subsequent days upon which they instructed Mechanical Department **employees** not covered under the Agreement to perform work belonging to the Sacramento Store Department Clerks.

2. Clerk W. J. **Funk** whose position was subsequently abolished because of the elimination of this work on June **3, 1977**, shall be allowed eight hours at time and one-half for the violation of the Current Agreement on all dates upon which the violation occurs and also have his position re-established. (All dates on **which** the violations have occurred **are** being mutually kept by both Carrier and **Employees** through **claims** of a **like** nature.)"

OPINION OF BOARD: The issue in dispute in this case seems to us to be squarely on point with that **in** Award No. 1, Public Law **Board 2172**, Dana E. Elschen, chairman, involving the **same** parties. That award denied the claim of the Organization. We do not find Award 1 to be in error. The **present claim 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 Employee 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: 
Executive Secretary

Dated at Chicago, **Illinois**, this 28th day of **October** 1980.