

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number **23049**

Docket Number CL-22909

George S. Roukis, 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-8758)
that:

1) Carrier violated, and continues to violate, the Clerks' **Rules**
Agreement at Seattle, Washington **commencing** on July 20, 1977 when it failed
to **assign** Position No. 89760 to **employee** M. D. Jones.

2) Carrier shall be required to recognize **Marvin D. Jones'** seniority,
promotion **and displacement** rights, assign him to Position No. 89760, **and com-**
pensate him for an additional day's pay at the appropriate rate for each work day
he is denied his contractual rights to that position.

3) Carrier shall pay **employee** Jones interest at **the** rate of **7½% com-**
pounded annually on the anniversary date of **this** claim on the amount due in
Item 2 above.

OPINION OF BOARD: The claim herein is identical to the claim **raised in a**
companion case, designated **as** Award No. 23047 **and**
involving the **same** parties, although a different **Claimant is named in this**
petition. Since our decision in Award **No. 23047 by definition** a
application moots this claim, we will **dismiss** it.

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;

That this Division of the Adjustment Board has jurisdiction over
the dispute involved herein; **and**

That the Agreement was not violated.

Award Number **23049**
Docket Number CL-22909

Page 2

A W A R D

~~Claim dismissed.~~

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A.W. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 14th day of November 1980.