

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

**Award Number 23245**  
**Docket Number CL-23123**

**Joseph A. Sickles, 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-8875) that:

1) Carrier violated, and continues to violate, the Clerks' Rules Agreement when it failed to maintain and apply the proper rate of pay commensurate with the duties and responsibilities required on the Yard Clerk Position No. 33840 at Marion, Iowa.

2) The rate of pay on Yard Clerk Position No. 33840 shall be adjusted to conform with the negotiated rates applied to an Agent position in Seniority District No. 30.

3) Carrier shall compensate employee J. N. Sieck, his successor or successors, if any, the difference between the amount paid such employees and the amount they would have received if the proper rate had been applied to the position beginning September 1, 1977.

**OPINION OF BOARD:** The Claimant is the incumbent of Yard Clerk Position No. 33840. Effective September 1, 1977, he was assigned certain duties and responsibilities which had previously been performed elsewhere; and which were formerly performed by an Agent.

The Employees cite a number of rules which were allegedly violated when "...Carrier discontinued established Agent position and transferred the duties to a Yard Clerk position having the effect of reducing rates of pay and evading proper application of said rules."

This Board has previously considered the companion case to this dispute, and in Award 23160 we denied the claim because of a failure of proof of a violation. In our review of this record, we find nothing to alter that conclusion and, accordingly, we also deny this claim.

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 Employee 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.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

A. W. Paulsen  
Executive Secretary

Dated at Chicago, Illinois, this 31st day of March 1981.

