

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION      Award Number 23420  
                               Bocket Number CL-23012

**Robert A. Franden, Referee**

**Brotherhood of Railway, Airline and Steamship Clerks,  
Freight Handlers, Express and Station Employees**

**PARTIES TO DISPUTE:**

**The Akron, Canton & Youngstown Railroad Company**

**STATEMENT OF CLAIM:**

Claim of the System Committee of the Brotherhood (GL-8890)  
that:

1. Carrier violated the Agreement between the parties when on June 19 through 23, 1978, they refused to allow J. N. Jarrett to mark up on and work the position of a vacationing employee.

2. Mr. Jarrett shall be paid one additional deys **pay** for each dete of the **vacation** period.

OPINION OF BOARD: This **claim** is based on the alleged improper use of **an employee** other than the claimant to fill • **vacation vacancy** on June 19 through 23, 1978. **Claimant** requested the work of the position of the second trick IBM clerk the **incumbent** of which **position was on vacation** but was denied the right 'co fill the vacation vacancy.

The Carrier has **taken the position** that there is no rule support for the position of the **Claimant** and further that the past **practice** on the property supports the Carrier's assignment of the **vacation** vacancy to **an extra boud employe junior to Claimant.**

We find for the Carrier **in** the instant case. As between this Carrier and the Organization, there is no Agreement rule which supports the position of the **Claimant**. **Further**, the record supports the Carrier's position that its use of extra board employes as the **regular vacation relief employes** has been **long-standing** on this property without **objection** by the Organization. In the absence of **contractual support** for the **claim**, we must deny **same**.

FINDINGS: The Third Division of the Adjustment Board, **upon** the whole record and **all** the evidence, finds **and** holds:

**That** the parties wived oral hearing;

That the Carrier and the ~~Employees~~ involved in this dispute are respectively Carrier and ~~Employees~~ within the meaning of the ~~Railway Labor~~ Ad, 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.

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Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest: *A. W. Paulsen*  
Executive Secretary

Dated at Chicago, Illinois, this 3rd day of November 1981.

