

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

Award Number 23736  
Docket Number CL-23644

Herbert L. Marx, Jr., Referee

(Brotherhood of Railway, Airline and Steamship Clerks,  
( Freight Handlers, Express and Station Employes

PARTIES TO DISPUTE: (

(Chesapeake and Ohio Railway Company

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood  
(GL-9166) that:

(a) The Carrier violated the Clerical Agreement when they did not apply the provisions of the General Agreement and Memorandum Agreement dated September 1, 1949 and arrange to allow **Tomie** C. Brooks 2 days in excess of 251 Annual Work Days in 1976.

(b) The Carrier should now recompute Mr. Brook's pay for the year **1976** and allow him \$116.70 for 2 days pay due to working 2 days in excess of the 251 Annual Work Days in 1976.

OPINION OF BOARD: The issue in this claim is identical to that considered in Award 23589. The claim will be sustained on the basis of that Award.

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

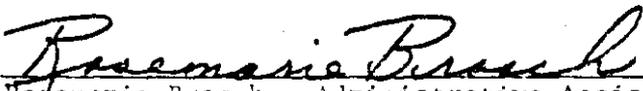
**That** the Agreement was violated.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest: Acting Executive Secretary  
National Railroad Adjustment Board

By   
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 26th day of March, 1982.

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