

NATIONAL RAILROAD **ADJUSTMENT BOARD**  
**THIRD DIVISION**

Award Number 23749  
Docket Number **CL-23655**

Herbert L. Marx, Jr., Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks  
( Freight Handlers, **Express** and Station **Employees**  
(  
(Chesapeake and Ohio Railway Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood  
(**GL-9180**) that:

Claim No. 1:

(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 Daniel **H. Kirby** 2 days in excess of 251 Annual Work Days in 1976.

(b) The Carrier should now recompute Daniel H. Kirby's pay for the year 1976 and allow him \$129.04 for 2 days pay due to working 2 days in excess of the 251 Annual Work Days in 1976.

Claim No. 2:

(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 Mary M. **Kistner** 2 days in excess of 251 Annual Work Days in 1976.

(b) The Carrier should now recompute Mary M. **Kistner's** pay for the year **1976** and allow her **\$125.68, for** 2 days pay due to working 2 days in excess of the 251 Annual Work Days in 1976.

Claim No. 3:

(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 John C. **Monaghan** 2 days in excess of 251 Annual Work Days in 1976.

(b) The Carrier should now recompute John C. **Monaghan's** pay for the year 1976 and allow him \$153.52 for 2 days pay due to working 2 days in excess of the 251 Annual Work Days in 1976.

Claim No. 4:

(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 Sue Ann **Mullineaux** 2 days in excess of 251 Annual Work Days in 1976.

(b) The Carrier should now recompute Sue **Ann Mullineaux's** pay for the year 1976 and allow her \$117.32 for 2 days pay due to working 2 days in excess of the 251 Annual Work Days in 1976.

Claim No. 5:

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

(b) The Carrier should now recompute Marlin J. Pritchett's pay for the year 1976 and allow him \$125.68 for 2 days pay due to working 2 days in excess of the 251 Annual Work Days in 1976.

Claim No. 6:

(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 Herbert V. **Sauter** 2 days in excess of 251 Annual Work Days in 1976.

(b) The Carrier should now recompute Herbert V. **Sauter's** pay for the year 1976 and allow him \$125.68 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 **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 violated,

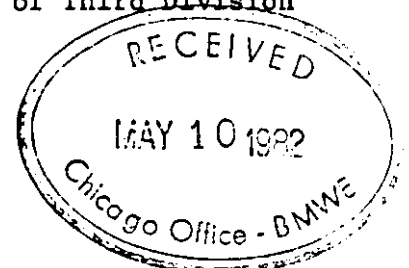
A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest: Acting Executive Secretary  
National Railroad Adjustment Board

By Rosemarie Brasch  
Rosemarie Brasch - Administrative Assistant



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