

NATIONAL RAILROAD **ADJUSTMENT** BOARD

THIRD DIVISION

Award Number 25124
Docket Number CL-24987

Edward L. Suntrup, Referee

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

PARTIES TO DISPUTE: (

(Maine Central Railroad Company
(Portland **Terminal**, Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-9707) that:

1. Carrier violated the Agreement between the Parties when on June 30th thru July **4th**, 1980, and July 14th thru the **18th**, 1980, Clerk G. F. Eisenhower, was removed from covering a permanent vacancy after he **had** covered said vacancy for one **(1)** day.

2. Carrier shall compensate G. F. Eisenhower, Clerk, **Rigby**, Maine, eight **(8)** hours' pay for each and everyday, June 30th thru July **4th**, 1980, and July 14th thru the **18th**, 1980, because he was allowed to move up and cover said vacancy for one Ill day and thereupon removed and ordered to return to his regular assignment.

OPINION OF BOARD: Commencing on July 6, 1980 and thereafter a dispute arose between the Carrier and the Claimant with respect to the Claimant's rights, under the working Agreement, to fill certain temporary vacancies. The total handling of this case on property dealt with differing views of the Claimant's seniority rights **as** they related to these temporary vacancies and to certain procedural questions related to how one should properly apply for such temporary vacancies.

A study of the record by the Board establishes, however, that there is no relationship of either fact or law between this dispute on property and the Statement of Claim before this Board which reads, in pertinent part:

"Carrier violated the Agreement between the Parties when on June 30th thru July **4th**, 1980 and July 14th thru 18th. 1980, Clerk G. **F.** Eisenhower was removed from covering a permanent vacancy after he had covered said vacancy for one Ill day ..."

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.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: _____

Nancy J. Dever
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 9th day of November 1984.

