

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26540
Docket Number CL-26033

Rodney E. Dennis, Referee

(Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employees
PARTIES TO DISPUTE: (
(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood
(GL-9934) that:

(a) Carrier violated the rules of the current Clerks' Agreement at
Barstow, on April 11, 1983, when J. D. **Bolduc** was not properly compensated for
work performed, and

(b) J. D. Bolduc shall now be compensated for four (4) hours at the
straight time rate in addition **to** any compensation Claimant may have received
for its day at the rate of Position No. 6051."

OPINION OF BOARD: Claimant was in a " off-in-force reduction status on April
11, 1983, when she was called to fill a short vacancy
caused by a regularly assigned **employee** becoming ill part way through his
shift. Claimant reported to work at 3:00 A.M. and worked until 7:00 A.M. She
submitted a time sheet requesting eight hours' pay. Her **paysheet** was reduced
to four hours pay at the pro rata rate. A Claim was filed for the additional
four hours pay. That Claim was denied and has bee" processed to this Board
for final adjudication.

This Board has **reviewed** a similar case (Third Division Award 26539)
involving these same parties. Our rationale in that case applies equally as
well to this case. We see no need to repeat it here.

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.

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A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:

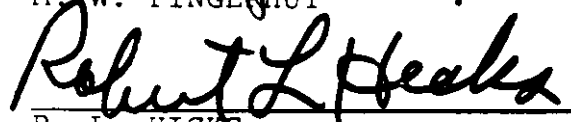

Nancy J. Dover - Executive Secretary


Dated at Chicago, Illinois, this 30th day of September 1987.

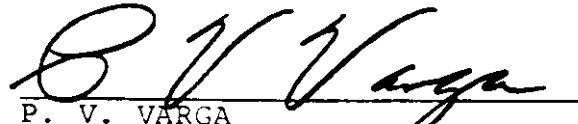
CARRIER MEMBERS' DISSENT
TO
AWARD 26540, DOCKET CL-26033
(Referee Dennis)


The Majority sustains the Claim on the basis of its decision in Third Division Award 26539. For the same reasons we dissented there, we dissent here.


M. W. FINGEBHUT


R. L. HICKS


M. C. LESNIK


P. V. VARGA


J. E. YOST