

The Third Division consisted of the regular members and in addition Referee Robert W. McAllister when award was rendered.

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

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood
(**GL-9982**) that:

1. Carrier violated the effective Clerks' Agreement when **on** and after April 12, 1984, it established a position of switching information clerk of more than thirty (30) days' duration without bulletining and awarding such position in accordance with such Agreement;

2. Carrier shall compensate the senior furloughed employee eight (8) hours' pay at the straight time rate of a switching information clerk position for April 12, 1984, and for each and every day thereafter that a like violation **occurs**. Individual claimants to be determined by a joint check of Carrier records."

FINDINGS:

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

The carrier or carriers and the **employee** or employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

This claim is a companion case to Third Division Award 26557. The only significant difference between the two is that such Award commenced on April 13, 1984, and this claim commences on April 12, 1984. Also, this claim seeks to have an afternoon Switching Information Clerk position established whereas the other claim contended that a third shift position was needed. Other facts, particularly charts indicating various dates between March 1 and July 11, 1984, when 100 additional assignments of Switching Information Clerk were worked and filled by extra board employees, are identical.

In Third Division Award 26557, we sustained the claim of the Organization on the basis that the Agreement was violated when Carrier failed to bulletin an additional Switching Information Clerk within thirty days of the date extra positions began working with daily regularity. However, in that case, we modified the remedy and awarded compensation to the senior furloughed Claimant for certain dates between April 13, 1984, and July 5, 1984. On July 5, 1984, a new position of Switching Information Clerk was bulletined. We stated that only one payment per calendar day was required because in those instances where more than one extra assignment was worked on a particular calendar day, it was done so on an irregular basis. Under these circumstances, the assignments may have been filled from the extra board.

Accordingly, the claim in this dispute has been disposed of by our earlier Award. It will be denied. Third Division Award 26557 was based upon identical facts to those before us now, therefore, no additional payments are necessary in this claim.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Deter - Executive Secretary

Dated at Chicago, Illinois, this 25th day of February 1988.