

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

(E. A. Mulreaney
PARTIES TO DISPUTE: (
(Consolidated Rail Corporation

STATEMENT OF CLAIM:

"Claim in question is covered under System Docket CR-2534, -N.J. Div. ENCL 43-83, System Docket CR-2924D for the violation of Rule, Scope Rule."

FINDINGS:

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

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes 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 were given due notice of hearing thereon.

As Third Party in Interest, the American Railway and Airway Supervisors Association and the United Railway Supervisors Association were advised of the pendency of this dispute and did not file a Submission with the Division.

The Carrier has advanced challenges to the Petitioner's Claim in addition to contentions with respect to the merits.

Turning to the procedural concerns of the Carrier, while we recognize some validity to their arguments, we conclude that the matter at issue is best resolved on the merits.

Prior to June 24, 1982, the Claimant was assigned Position No. LWW-1, Material Clerk-Timekeeper, at White Haven, Pa. On June 23, 1982, Claimant's position was abolished and he alleges that Supervisor R. Kilpatrick began to perform duties of the abolished position, on a continuous basis the following day.

The record indicates that the Carrier consolidated its Maintenance of Way time keeping and other clerical functions into one centralized location at Bethlehem, Pa. This change resulted in the establishment of O. T. & E. Time-keeper Report Clerk Positions LBW-2, LBW-4 and LBW-5 at Bethlehem, Pa., which in turn brought about the abolishment of the Claimant's position. Claimant's contention that Supervisor Kilpatrick continues to perform the remaining duties of the abolished position at White Haven, Pa., is contrary to the record as those duties were absorbed by clerical Position LBW-6 in accordance with the Agreement.

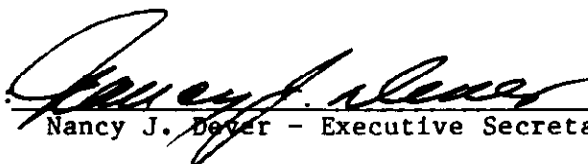
The Claim must therefore be denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dwyer - Executive Secretary

Dated at Chicago, Illinois, this 16th day of December 1988.