

The Third Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

PARTIES TO DISPUTE: (Transportation Communications International Union  
(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood (GL-10269) that:

1. Carrier violated the provisions of the current Clerks' Agreement at Barstow, California, on November 14 and 26, 1986, when it failed and/or refused to call R. Vargas to protect the rest days of her regular assignment, and

2. R. Vargas shall now be compensated eight (8) hours at the time and one-half rate of Car Clerk Position No. 6011 for November 14 and 28, 1986, in addition to any other compensation received for the days under claim."

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.

The Claimant occupied Position No. 6011 with hours of duty 7:00 A.M. to 3:00 P.M. Sunday through Thursday, with rest days on Friday and Saturday. The general issues are the same as in Third Division Award 28315, and we find here, as we found in that case, that the Claim must be denied.

A W A R D

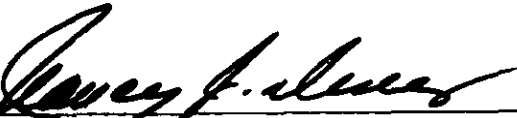
Claim denied.

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Award No. 28317  
Docket No. CL-28433  
90-3-88-3-209

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:



Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 29th day of March 1990.