

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
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(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood
(GL-10322) that:

1. Carrier violated the rules of the current Clerks' Agreement at Albuquerque, New Mexico, when it failed or refused to pay Donna K. Avila mileage from Belen to Albuquerque, New Mexico on July 27, 28, 29, 30, 31, August 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 20, and 21, 1987 for total of 1,088 miles at the rate of twenty (20) cents per mile for a total of \$217.60, and
2. Claimant Avila shall now be compensated for mileage in the amount of \$217.60.

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 approve 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 essential facts leading to this dispute are not at issue. The Claimant had protected short vacancies at Albuquerque, New Mexico. In so doing, she traveled from her headquarters point of Belen, New Mexico, with another Carrier employee who drove between Belen and Albuquerque. At issue is whether the Claimant is entitled to mileage reimbursement pursuant to "Rule 40 - Travel Time and Expenses" of the Agreement. The Claim is for \$217.60.

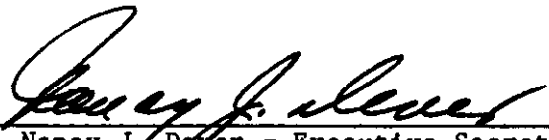
Rule 40 is intended to protect employees from a monetary loss when away from the headquarters point. The language used in the Rule shows an intent to reimburse for actual expenses incurred. After a careful review of the facts, the Board finds that Claimant is entitled to \$108.80.

A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 19th day of July 1990.