

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 29749
Docket No. CL-28537
93-3-88-3-363

The Third Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

PARTIES TO DISPUTE: (Transportation Communications International
(Union
(Norfolk and Western Railway Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood (GL-10299) that:

1. Carrier violated the Agreement between the parties when, commencing April 7, 1987, and continuing, it required and/or permitted Roadmaster G. A. Maurer and other Carrier Supervisors to prepare bills for ODP approval and preparation of vehicle bills for 129V. This is work that has customarily and historically been performed by employees of the clerical craft and class at Bluefield, West Virginia. In support of this claim, we cite Rules 1, 3, 34, 35, 37 and 42, among others, of the Master Clerical Agreement dated April 1, 1973, as revised January 8, 1979.
2. As a result of the foregoing violation, the Carrier shall now be required to compensate R. E. Elliott with eight (8) hours' pay at the rate of \$19.24 per hour, commencing on April 7, 1987, and continuing until claim is resolved; this pay to be in addition to any other pay received on claim date and to include any future rate adjustments, including COLA."

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 employee within the meaning of the Railway Labor Act as approved June 21, 1934.

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

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

At the relevant time, Claimant held the position of regularly assigned the Roadmaster Clerk in the Division Engineer's office at Bluefield, West Virginia. As framed by the Claim and as argued by the Organization, the Organization asserts that commencing April 7, 1987, the Roadmaster began to perform the work of preparing bills for ODP approval as well as preparation of vehicle bills for 129V, which work was allegedly previously performed by Claimant.

There are insufficient facts developed on the property for this Board to conclude that the Organization has met its burden. The claim will therefore be denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:

Catherine Loughrin
Catherine Loughrin - Interim Secretary to the Board

Dated at Chicago, Illinois, this 20th day of September 1993.