

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Form 1

Award No. 30315
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94-3-92-3-207

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Docket No. CL-30562
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Docket No. CL-30806
94-3-92-3-632

The Third Division consisted of the regular members and in addition Referee Gil Vernon when awards were rendered.

PARTIES TO DISPUTE: (Transportation Communications International Union
(
(CSX Transportation, Inc. (former Chesapeake and Ohio
(Railway Company)

STATEMENT OF CLAIM: As shown in Docket Nos. CL-30480, CL-30481, CL-30482, CL-30483, CL-30484, CL-30485, CL-30486, CL-30487, CL-30488, CL-30489, CL-30490, CL-30491, CL-30492, CL-30493, CL-30494, CL-30495, CL-30496, CL-30497, CL-30498, CL-30499, CL-30500, CL-30501, CL-30502, CL-30503, CL-30504, CL-30505, CL-30506, CL-30507, CL-30508, CL-30509, CL-30510, CL-30511, CL-30512, CL-30513, CL-30514, CL-30515, CL-30516, CL-30517, CL-30518, CL-30519, CL-30520, CL-30521, CL-30522, CL-30523, CL-30524, CL-30525, CL-30526, CL-30527, CL-30528, CL-30529, CL-30530, CL-30531, CL-30532, CL-30533, CL-30535, CL-30536, CL-30537, CL-30538, CL-30539, CL-30540, CL-30541, CL-30542, CL-30543, CL-30544, CL-30545, CL-30551, CL-30552, CL-30553, CL-30554, CL-30555, CL-30556, CL-30557, CL-30558, CL-30559, CL-30560, CL-30561, CL-30562, and CL-30806 and not repeated herein.

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 these disputes are respectively carrier and employee within the meaning of the Railway Labor Act as approved June 21, 1934.

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

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

The Board as a whole finds that the facts presented in the aforementioned disputes are not distinguishable from those presented in companion Third Division Award 30314. For the reasons set forth in that Award the instant claims are denied.

A W A R D

Claims denied.

O R D E R

This Board, after consideration of the disputes identified above, hereby orders that awards favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 19th day of July 1994.

LABOR MEMBER'S DISSENT TO

AWARD 30314, DOCKET CL-30534; AWARD 30315, DOCKET CL-30480;
AWARD 30316, DOCKET CL-30481; AWARD 30317, DOCKET CL-30482;
AWARD 30318, DOCKET CL-30483; AWARD 30319, DOCKET CL-30484;
AWARD 30820, DOCKET CL-30485; AWARD 30821, DOCKET CL-30486;
AWARD 30322, DOCKET CL-30487; AWARD 30323, DOCKET CL-30488;
AWARD 30324, DOCKET CL-30489; AWARD 30325, DOCKET CL-30490;
AWARD 30326, DOCKET CL-30491; AWARD 30327, DOCKET CL-30492;
AWARD 30328, DOCKET CL-30493; AWARD 30329, DOCKET CL-30494;
AWARD 30330, DOCKET CL-30495; AWARD 30331, DOCKET CL-30496;
AWARD 30332, DOCKET CL-30497; AWARD 30333, DOCKET CL-30498;
AWARD 30334, DOCKET CL-30499; AWARD 30335, DOCKET CL-30500;
AWARD 30336, DOCKET CL-30501; AWARD 30337, DOCKET CL-30502;
AWARD 30338, DOCKET CL-30503; AWARD 30339, DOCKET CL-30504;
AWARD 30340, DOCKET CL-30505; AWARD 30341, DOCKET CL-30506;
AWARD 30342, DOCKET CL-30507; AWARD 30343, DOCKET CL-30508;
AWARD 30344, DOCKET CL-30509; AWARD 30345, DOCKET CL-30510;
AWARD 30346, DOCKET CL-30511; AWARD 30347, DOCKET CL-30512;
AWARD 30348, DOCKET CL-30513; AWARD 30349, DOCKET CL-30514;
AWARD 30350, DOCKET CL-30515; AWARD 30351, DOCKET CL-30516;
AWARD 30352, DOCKET CL-30517; AWARD 30353, DOCKET CL-30518;
AWARD 30354, DOCKET CL-30519; AWARD 30355, DOCKET CL-30520;
AWARD 30356, DOCKET CL-30521; AWARD 30357, DOCKET CL-30522;
AWARD 30358, DOCKET CL-30523; AWARD 30359, DOCKET CL-30524;
AWARD 30360, DOCKET CL-30525; AWARD 30361, DOCKET CL-30526;
AWARD 30362, DOCKET CL-30527; AWARD 30363, DOCKET CL-30528;
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AWARD 30366, DOCKET CL-30531; AWARD 30367, DOCKET CL-30532;
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AWARD 30372, DOCKET CL-30538; AWARD 30373, DOCKET CL-30539;
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AWARD 30376, DOCKET CL-30542; AWARD 30377, DOCKET CL-30543;
AWARD 30378, DOCKET CL-30544; AWARD 30379, DOCKET CL-30545;
AWARD 30380, DOCKET CL-30551; AWARD 30381, DOCKET CL-30552;
AWARD 30382, DOCKET CL-30553; AWARD 30383, DOCKET CL-30554;
AWARD 30384, DOCKET CL-30555; AWARD 30385, DOCKET CL-30556;
AWARD 30386, DOCKET CL-30557; AWARD 30387, DOCKET CL-30558;
AWARD 30388, DOCKET CL-30559; AWARD 30389, DOCKET CL-30560;
AWARD 30390, DOCKET CL-30561; AWARD 30391, DOCKET CL-30562;
AWARD 30392, DOCKET CL-30806

(REFEREE G. VERNON)

A Dissent is required to the aforementioned cases at bar because the Majority opinion has erred in following the palpably erroneous decision issued on September 6, 1991, by the Special Arbitration Board convened pursuant to a Memorandum of Agreement dated October 2, 1990, (Referee Muessig).

For the same reasons set forth in that Dissent, copy of which is attached, and made part of this Dissent, the above listed Awards are in error. The bottom line is the Conductors are still doing what they have always done before, but in addition are now required by the Carrier to steal clerical work never contemplated with their duties.

For the foregoing reasons the Awards carry no precedential value and are vigorously dissented to.

Respectfully submitted,


William R. Miller

Dated: 8-23-94

HIGHLIGHTED INFORMATION INDICATES REVISION FROM ORIGINAL DISSENT.