

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

**Award No. 31963  
Docket No. CL-32487  
97-3-95-3-392**

**The Third Division consisted of the regular members and in addition Referee James E. Yost when award was rendered.**

**(Transportation Communications International Union  
PARTIES TO DISPUTE: (  
(Terminal Railroad Association of St. Louis**

**STATEMENT OF CLAIM:**

**"Claim of the System Committee of the Organization (GL-11162) that:**

**1. Carrier violated the Agreement between the parties, expressly Rule 50 and any associated rules of the TCU Agreement when on May 12, 1994 it transferred the duties of the First Shift Crew Clerk position (CB70) rated \$118.88 per day to the new Third Shift Crew Clerk position (CB77) rated \$115.04 per day but refused to transfer the higher rate of pay; with claim commencing on Thursday, May 12, 1994 and continuing each Thursday until settled for \$3.84 for each Thursday, the difference in rate of pay of the involved positions.**

**2. Carrier shall now be required to compensate Crew Clerk, Mr. R. F. Messersmith, occupant of Crew Clerk Relief No. 101, Madison, Illinois, \$3.84 for each Thursday commencing May 12, 1994 and continuing until settled."**

**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.**

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

**Parties to said dispute were given due notice of hearing thereon.**

**The Board as a whole finds that the facts and arguments presented in this dispute are not distinguishable from those presented in Third Division Award 31962. For the reasons set forth in that Award, this claim will be denied.**

**AWARD**

***Claim denied.***

**ORDER**

**This Board, after consideration of the dispute identified above, hereby orders that an award 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 March 1997.**