

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 32100
Docket No. CL-32499
97-3-95-3-404**

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-11165) that:

- 1.) Carrier violated the provisions of the TCU Agreement, expressly Rule 50 and any associated rules contained therein, when it unilaterally applied a rate of pay \$115.04 per day to Bulletin No. 11, dated May 4, 1994, a newly established Crew Clerk Relief position #101, which relieves Crew Clerk position CB76, at Madison, Illinois, which is not in conformity with rates for positions of a similar kind or class in the seniority district.**
- 2.) As a result of such impropriety, Carrier shall now be required to compensate R. F. Messersmith, occupant of Crew Clerk Relief #101 position which relieves Crew Clerk position CB76, second shift, hours 3:00 pm to 11:00 pm on Tuesday and Wednesday each week for an additional \$3.84 per day which will bring the rate of Crew Clerk Relief position #101 to \$118.88, commencing Wednesday, May 11, 1994 and continuing until the violation is corrected."**

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 32099. 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 9th day of July 1997.