

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

Award No. 37346  
Docket No. CL-37741  
05-3-03-3-168

The Third Division consisted of the regular members and in addition Referee Gerald E. Wallin when award was rendered.

**PARTIES TO DISPUTE:** (Transportation Communications International Union  
(  
(CSX Transportation, Inc. (former Seaboard Coast  
( Line Railroad Company)

**STATEMENT OF CLAIM:**

“Claim of the System Committee of the Organization (GL-12982) that:

- (1) Carrier violated the Agreement specifically Rule 1, and the Customer Service Center Agreement, on March 7, 2002, when it allowed Manager Customer Operations Danny Murphy, located at Jacksonville, Florida, to order fifty-five (55) cars for customer Jefferson Smurfit Corp., located at Brewton, Alabama, using the equipment order menu on the computer. This was allowed in lieu of allowing this work to be performed by the Clerical employees in the Customer Service Center at Jacksonville, Florida.
- (2) Carrier shall now be required to compensate the Senior Available Employee, eight (8) hours at time and one-half at the applicable rate of \$150.98, or his or her guarantee rate, whichever is higher, for the above violation.”

**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.

Except for the time and date of the incident giving rise to the claim and the number of cars involved, the facts of the instant claim are identical to those involved in Third Division Award 37345. With one exception, there are no significant differences in the contentions raised as well.

In this claim, the Carrier raised the procedural objection that the Organization failed to properly identify a Claimant. That contention, however, was apparently abandoned as it was not advanced in the Carrier's Submission to this Board. Moreover, that factor has not been an impediment to sustaining similar claims. See, for example, Awards 1-5 of Public Law Board No. 5782 and Third Division Awards 37227, 37229, 37231, and 37232.

Following the rationale expressed in Third Division Award 37345, this claim shall be sustained at the \$15.00 requirement.

**AWARD**

Claim sustained in accordance with the Findings.

**ORDER**

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Dated at Chicago, Illinois, this 19th day of January 2005.