

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 37586
Docket No. CL-37570
05-3-02-3-640

The Third Division consisted of the regular members and in addition Referee M. David Vaughn when award was rendered.

PARTIES TO DISPUTE: (Transportation Communications International Union
(Sand Springs Railway Company)

STATEMENT OF CLAIM:

“Claim of the System Committee of the Organization (GL-12941)
that:

1. In letter dated June 12, 2001, Carrier was notified that clerical employee Gerrie L. Holladay failed to maintain membership in the Organization and was requested to remove her from the seniority roster and terminate her employment. Ms. Holladay continues to perform the duties and responsibilities previously assigned to her. Since Ms. Holladay continues to perform covered work, Carrier is in violation of Rule 1 – Scope of the current agreement between the parties.
2. The Carrier shall now compensate the senior employee eight (8) hours at the applicable overtime rate, beginning June 12, 2001, and continuing each and every workday thereafter until such time said work is returned to employees covered under the TCU Agreement. Such compensation shall be in addition to any other earnings of said Claimant.
3. If the above Claimant is unavailable, Carrier shall pay to the charity of Organization’s choice, the amount equivalent to eight (8) hours for violation at the applicable overtime rate beginning June 12, 2001, and continuing each and every

workday thereafter until such time said work is returned to employees covered under the TCU Agreement.”

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 Parties have advised that the dispute has been settled between them and have requested that a Dismissal Award be issued. The Award and Order so reflect.

AWARD

Claim dismissed.

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 24th day of August 2005.