

Award Number 59
Docket Number CL-65

NATIONAL RAILROAD ADJUSTMENT BOARD
Third Division

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS, FREIGHT
HANDLERS, EXPRESS AND STATION EMPLOYES**
**THE CINCINNATI, NEW ORLEANS AND TEXAS PACIFIC RAILWAY
COMPANY**

DISPUTE.—“Claim of W. G. Wright for restoration of his former position of Chief Clerk to Superintendent of Terminals, Cincinnati, and for reimbursement of monetary loss suffered.”

FINDINGS.—The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier and the employee 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.

The parties to said dispute were given due notice of hearing thereon.

The parties have jointly certified the following Statement of Facts and the Third Division so finds:

“Under date of January 23, 1933, Mr. E. S. Bowling, Superintendent of Terminals, issued the following bulletin:

“Effective February 1st, position of Chief Clerk to Superintendent of Terminals is abolished, Mr. J. F. Carroll, Assistant Agent, will assume duties of Chief Clerk.”

Claim is based upon Rule 20, Paragraph (e) of the agreement, effective September 1st, 1926, between the parties, reading:

“Except as otherwise provided in these rules, established positions shall not be discontinued and new ones created under a different title covering relatively the same class of work for the purpose of reducing the rate of pay or evading the application of these rules.”

It is found that the Rule quoted was not violated in this instance.

AWARD

Claim denied.

By Order of Third Division:

Attest:

NATIONAL RAILROAD ADJUSTMENT BOARD.

H. A. JOHNSON,
Secretary.

Dated at Chicago, Illinois, this 27th day of June 1935.

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