

NATIONAL RAILROAD ADJUSTMENT BOARD
Third Division

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS, FREIGHT
HANDLERS, EXPRESS AND STATION EMPLOYES**
THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY

DISPUTE.—“Claim of Clerk F. I. Lees for payment of regular wages on position of Bill Clerk, Helper, Utah, Nov. 16, 17, and 19, 1934.”

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

The carrier and the 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.

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

The following statement of facts is jointly certified by the parties, and the Third Division so finds:

“Prior to November 16th, Clerk F. I. Lees was regularly assigned to the position of Bill Clerk at Helper, Utah, and was not used in that position, nor did he receive any work on November 16th, 17th, and 19th.

“Claim in this case is for \$5.15 each day.”

An agreement bearing effective date of February 1, 1926, exists between the parties, and claim is based on Rule 61 thereof, reading:

“ * * * Nothing herein shall be construed to permit reduction of days for the employees covered by the rule below six per week, excepting that this number may be reduced in a week in which holidays occur by the number of such holidays.”

The carrier represents that the position of bill clerk at Helper, Utah, was abolished on Nov. 16, 1934, and restored on Nov. 20, 1934.

The right of the carrier to actually abolish a position is not disputed, but in this particular case the Third Division finds the evidence lacking proof of an abolishment in fact.

AWARD

Claim sustained.

By Order of Third Division:

Attest:

NATIONAL RAILROAD ADJUSTMENT BOARD.

H. A. JOHNSON,
Secretary.

Dated at Chicago, Illinois, this 30th day of August 1935.