

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS
THE PENNSYLVANIA RAILROAD COMPANY

STATEMENT OF CLAIM: "Claim of the General Committee of The Order of Railroad Telegraphers on Pennsylvania Railroad in behalf of Agents W. T. Withers, T. W. Navarra, R. M. Neal, W. V. Mitchell and C. N. Moore for the difference in earnings, and expenses incurred, by reason of the improper abolishment of the Relief Agent position on the Erie and Ashtabula Division, July 11, 1938, which resulted in the improper displacement of these Agents from their assigned stations, and until they could be restored to their former positions."

EMPLOYES' STATEMENT OF FACTS: "An Agreement (Part 1 of the Telegraphers' Agreement), bearing date of May 1, 1938, as to Regulations covering working conditions and Rates of Pay, for Agents and Assistant Agents, is in effect between the parties to this dispute.

"The position of Relief Agent on the Erie and Ashtabula Division is covered by said agreement. Effective July 11, 1938, the position of Relief Agent was improperly abolished, resulting in the following displacements:

"F. D. Perrine, Relief Agent, displaced W. T. Withers as Agent at Lowellville, Ohio, effective July 11, 1938.

"W. T. Withers displaced T. W. Navarra as Agent at Walford, Pa., effective July 18, 1938.

"T. W. Navarra displaced R. M. Neal as Agent at Wampum-Koppel, effective July 27, 1938.

"R. M. Neal displaced W. V. Mitchell as Agent at New Wilmington-Volant, Pa., effective August 8, 1938.

"W. V. Mitchell displaced C. N. Moore as Agent at Transfer, Pa., effective August 18, 1938.

"C. N. Moore being the junior Agent affected and not being qualified to perform Agent-Operator duties, returned to the Clerical Group and displaced a Clerk, Symbol F-100 at Warren, Ohio Station.

"The following shows the roster standing and monthly rates of pay prior to and after the exercise of seniority for the employees named above:

	Seniority date as Agent	Prior to being displaced	Rate of Pay After being displaced
F. D. Perrine	5-19-13	\$225.45	\$225.45
W. T. Withers	12- 1-17	225.45	205.45
T. W. Navarra	9- 1-18	205.45	160.45
R. M. Neal	1- 1-20	160.45	145.45
W. V. Mitchell	5- 1-20	145.45	150.45
C. N. Moore	9- 1-22	150.45	159.20 (clerk)

National Railroad Adjustment Board is empowered only to decide the said dispute in accordance with the Agreement between the parties to it. To grant the claim of the employees in this case would require the Board to disregard the Agreement between the parties hereto and impose upon the Carrier conditions of employment and obligations with reference thereto not agreed upon by the parties to this dispute. The Board has no jurisdiction or authority to take such action.

CONCLUSION

"In the light of the foregoing it is respectfully submitted that none of the Claimants who were displaced when the Relief Agent position was abolished on July 11, 1938, are entitled to be compensated for any losses suffered or expenses incurred by virtue of their displacements.

"The Carrier demands strict proof by competent evidence of all facts relied upon by the Claimants, with the right to test the same by cross examination, the right to produce competent evidence in its own behalf at a proper trial of this matter, and the establishment of a record of all of the same."

OPINION OF BOARD: Based on the record in this case, the five Agents named in the claim are thereunder entitled to reimbursement, as to which proper showing can be made, from February 1, 1939 to the respective dates in March and May 1939 when they were returned to their regular assigned agency positions.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the carrier and the employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the five Agents named in the claim are thereunder entitled to reimbursement, as to which proper showing can be made, from February 1, 1939, to the respective dates in March and May, 1939, when they were returned to their regular assigned agency positions.

AWARD

Claim sustained in accordance with Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 30th day of July, 1941.