

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Herbert B. Rudolph, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

THE ERIE RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that the Carrier violated the Clerks' Agreement:

(1) When effective January 20, 1946, it abolished full time eight-hour Ticket Clerk position occupied by Miss T. P. Harrison at Warren, Ohio, and assigned the duties thereof to the Ticket Agent, an employe not covered by the rules of the Clerks' Agreement or any other agreement, and

(2) That Carrier shall now be required to re-establish the position of Ticket Clerk at Warren, Ohio, and restore Miss Harrison to said position, and

(3) That Miss Harrison and all other employes affected be reimbursed for wage loss sustained, retroactive to January 20, 1946.

OPINION OF BOARD: By Award 3583 this dispute was remanded to the parties for settlement under the agreement as therein construed, and in the event no settlement was reached each party was to submit to the Board proof of the fact question involved. The parties failed to reach a settlement and the fact question is now before the Board upon the proof submitted by the employes and the carrier.

No useful purpose would be served in attempting to set forth herein the various statements and assertions which are in sharp conflict. We have carefully considered the proof submitted and conclude that the position involved was abolished due to decrease in work in the Warren office. Relevant facts shown in the record support the following statement of Mr. J. H. Monzel, the agent at Warren during the time involved:

"When the position was abolished there were a sufficient number of Ticket Clerks to properly take care of all the work. * * * After the position was abolished, there was no work added to my position as Ticket Agent."

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 parties waived oral hearing thereon;

That the Carrier and the Employes involved in this dispute are respectively carrier and employes 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 facts show no violation of the Agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 30th day of January, 1948.