

Award No. 8852
Docket No. CL-8163

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Norris C. Bakke, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES
CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY**

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

(1) When, effective May 3, 1954, it abolished the clerical position of Car Clerk at Ottumwa, Iowa, and removed clerical work comprised of the regular assigned duties of that position from under the scope and operation of the Clerks' Agreement and utilized a Telegrapher, an employe of another craft and subject to the Agreement of another craft to perform said work in violation of Scope Rule 1 and other related rules of the Clerks' Agreement.

(2) That the clerical work performed by the Telegrapher, an employe of another craft, be returned to the clerical force.

(3) That the Carrier be directed by appropriate Board Order to reimburse all employes affected for any monetary loss sustained, retroactive to May 3, 1954.

See Award 8780 for Statement of Facts and Positions of the Parties.

OPINION OF BOARD: This docket is before us again by virtue of our Award 8780 wherein we held that disposition on the merits would be withheld pending the giving of notice to the Telegraphers' Organization.

Such notice was given and the Telegraphers responded with a disclaimer. See Award 8851.

As to the merits of this case, it is a companion case to that in Docket CL-8135 involving the same Carrier and the same rules in which we issued a denial award. Award 8851.

A similar award is in order here. The Carrier did not violate the Agreement and the claim is denied.

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 Carrier did not violate the agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 18th day of June, 1959.