

**Award No. 10992**

**Docket No. CL-10675**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

**Levi M. Hall, Referee**

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**PARTIES TO DISPUTE:**

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

**THE PENNSYLVANIA RAILROAD COMPANY**

**STATEMENT OF CLAIM:** Claim of the System Committee of the Brotherhood that:

(a) The Carrier violated the Rules Agreement, effective May 1, 1942, except as amended, and Extra List Agreement No. 6, when it failed to fill a vacancy which it had created in a regular position of Baggage and Mail Handler at the Fort Wayne, Indiana, Passenger Station, Northwestern Region, on October 27, 1956.

(b) Claimant B. R. Hill, Extra Baggage and Mail Handler at Fort Wayne Passenger Station, should be allowed a four hour call for October 27, 1956.

(Docket 202)

**EMPLOYES' STATEMENT OF FACTS:** This dispute is between the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees as the representatives of the class or craft of employees in which the Claimant in this case held a position and the Pennsylvania Railroad Company—hereinafter referred to as the Brotherhood and the Carrier, respectively.

There is in effect a Rules Agreement, effective May 1, 1942, covering Clerical, Other Office, Station and Storehouse Employees between the Carrier and the Brotherhood which the Carrier has filed with the National Mediation Board in accordance with Section 5, Third (e), of the Railway Labor Act, and also with the National Railroad Adjustment Board. This Rules Agreement will be considered a part of this Statement of Facts. Various Rules thereof may be referred to herein from time to time without quoting in full.

The Claimant in this case, B. R. Hill, was assigned to the Group 2 Extra List at the Passenger Station, Fort Wayne, Indiana, Northwestern Region, on the date of this claim. He has a seniority date on the Northwestern Region seniority roster in Group 2.

All data contained herein have been presented to the employe involved or to his duly authorized representatives.

(Exhibits not reproduced.)

**OPINION OF BOARD:** On October 27, 1956, Baggage and Mail Handler Erickson was taken from his regular relief assignment, (Group II) two hours and twenty-five minutes before the end of his tour of duty and placed on a vacancy in Group I, being the only employe assigned to this extra list. That he was entitled to this vacancy is not in dispute.

The Organization claims that Carrier violated the Agreement by not using Claimant Hill, a Group II extra employe, to fill out the unexpired portion of Erickson's regular assignment.

The record is silent as to what compensation Erickson received on his regular assignment on date in question, although he was entitled to eight hours pay therefor. On the state of this record, the Board cannot reach a conclusion on the issue raised by the parties.

**FINDINGS:** The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the Employe involved in this dispute are respectively Carrier and Employe 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 record does not disclose a basis for resolving the dispute.

#### AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of THIRD DIVISION

ATTEST: S. H. Schulty  
Secretary

Dated at Chicago, Illinois, this 19th day of December 1962.