

Award No. 11542
Docket No. CL-11214

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Wesley Miller, Referee

PARTIES TO DISPUTE:

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

**THE NEW YORK CENTRAL RAILROAD, NEW YORK AND
EASTERN DISTRICT (except Boston and Albany Division)**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, on the New York Central Railroad Company, Eastern District (except Boston Division):

1. That Carrier violated the Clerks' Agreement, effective June 7, 1956, when without conference or agreement with the Committee, it abolished the position of Clerk, rate \$343.20 per month, at its Freight Station, Cayuga, N. Y., held by Mrs. Esther B. Moorhead, and assigned work of this position to employees holding no seniority rights under the Clerks' Agreement and who are subject to a different Agreement.

2. That Carrier be required to restore the above position of Clerk and fill it as provided in the Clerks Agreement.

3. That Mrs. Esther B. Moorhead, together with any and all other clerical employees adversely affected by the aforesaid violation of the Clerks' Agreement, be reimbursed in full for wage losses resulting therefrom, this reimbursement to cover the period commencing June 7, 1956 and continuing until such position shall have been restored and so filled.

EMPLOYEES' STATEMENT OF FACTS: The Carrier's station facilities at Cayuga, N. Y., consist of a Freight Station only, which Station is operated six days per week, Monday thru Saturday.

Prior to June 7, 1956, the force at this Freight Station was as follows:

(Under Telegraphers' Agreement)	Hours of Service	Rest Days
1 Agent-Telegrapher	5:15 PM - 1:45 PM	Sun. and Mon.
1 Telephoner-Clerk	1:45 PM - 10:15 PM	Sat. and Sun.

authority that it is not within the jurisdiction of this or other Divisions to require restoration of any position; and (5) that awards support the position of the Carrier. The claim is without merit and should be denied.

All data incorporated herein has been presented to the Organization in writing and/or conference.

(Exhibits not reproduced.)

OPINION OF BOARD: Awards 9329, 9330, 9685, 9690 and 10121, involving the same parties, issues, Agreement and rules as in the instant claim, have denied the material contentions presented by the petitioning Organization herein.

We do not believe that said Awards are palpably erroneous.

Therefore, this claim should be denied.

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 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 Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 24th day of June, 1963.