

Award No. 14413
Docket No. CL-15172

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Levi M. Hall, Referee

PARTIES TO DISPUTE:

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

GEORGIA & FLORIDA RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-5618) that:

(1) The Carrier violated and continues to violate the rules of the Clerks' Agreement of October 1, 1957, as amended, when it arbitrarily and unilaterally abolished the positions of Chief Clerk; Executive Clerk-Rates and Divisions; Clerk-Rates and Divisions; Secretary to General Manager-Sales; Steno-Clerk (Atlanta Office); and Utility and File Clerk effective with the close of business April 23, 1963 and transferred all of the work attached to these several positions to Officials in the Traffic Department—employees not covered by the Clerks' Agreement and to Porters who are covered by the Agreement but whose rights exist in a separate seniority district; and,

(2) Chief Clerk Allen D. Palmer; Executive Clerk-Rates and Divisions, G. D. Hamilton; Clerk-Rates and Division, D. D. Tankersley; Secretary to General Manager-Sales, Kathleen R. Calhoun; Steno-Clerk, LaRue G. Grogan (Atlanta Office); and Utility and File Clerk Merle Danforth, shall now be paid at their regular and ordinarily full monthly salaries beginning April 24, 1963 and continuing until all of the work heretofore attached to their positions shall have been returned to their sole and exclusive performance; and,

(3) The successor of successors in interest, if any, of the above-named employees shall be compensated in like manner; and,

(4) The records of the Carrier shall be jointly checked by the designated Officer of the Carrier and the General Chairman to determine the full extent of the above claim.

EMPLOYEES' STATEMENT OF FACTS: On April 18, 1963, Mr. J. B. Duncan, Jr., Freight Traffic Manager, Georgia & Florida Railway Company, Augusta, Georgia, issued Bulletin No. 56 which is fully self-explanatory and copy of which is hereto attached and identified as Employees' Exhibit No. 1.

OPINION OF BOARD: At the outset, it appears from the Record, that at least three of the Claimants named in the Statement of Claim have availed themselves of the provisions of the Protection Agreement entered into between the employees of the Georgia and Florida Railroad and the Georgia and Florida Railway Company on June 13, 1963, and have exercised an option of lump sum settlement, surrendering any seniority rights they might have had.

The burden of proving all essential elements of its claim with competent supporting evidence is upon the Petitioner. The position of the Petitioner in the instant claim as evidenced by the Submissions is vague and confusing. The suggestion made by the Petitioner that there would be an abandonment of all contentions by the remaining Claimants if the Carrier would pay them the lump sum settlement under the June 13, 1963 Agreement only adds to the confusion. A reading of the Statement of Claim would seem to indicate that the June 13, 1963 Agreement is not involved in this claim. From the presentation herein it is impossible for the Board to arrive at any satisfactory conclusion. There appears to be no other alternative than to dismiss the Claim.

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.

AWARD

Claim dismissed in accordance with the Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **THIRD DIVISION**

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 11th day of May 1966.