

Award No. 15121
Docket No. CL-15135

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Murray M. Rohman, Referee

PARTIES TO DISPUTE:

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

CENTRAL OF GEORGIA RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-5602) that:

(1) The Carrier violated and continues to violate rules of the Miscellaneous Employees' Agreement effective June 30, 1960, except as amended, when it arbitrarily and unilaterally abolished position of Porter at Macon, Georgia Shops and transferred the work of that position to the Southern Railway Company; and,

(2) The following named Laborer and/or persons who may have been working on his position on a temporary basis shall be reimbursed for all salary losses from June 17, 1963 and shall have all other rights contemplated in the Agreement restored:

Name	Position
Booker T. Lee	Porter

This claim is to remain in effect until all work and/or positions are restored to laborers of the Central of Georgia Railway Company; and,

(3) All of the laborers on the Macon Division who were displaced as a result of the action described in Item (1) hereof shall likewise be reimbursed for all salary losses and shall have all rights contemplated in the Agreement restored in the same manner as prescribed in Item (2) hereof; and,

(4) If the work of the laborers referred to herein remains transferred to the Southern Railway Company, all of the employees affected shall have their seniority "dovetailed" in such manner that they shall not lose any seniority rights as a result thereof; and,

(5) All other conditions attached to the Miscellaneous Employees' Agreement effective June 30, 1960, except as amended, shall continue to apply to the laborers referred to herein and/or their successors; and,

(6) The records of the Carrier shall be checked to determine all of the foregoing in complete detail.

OPINION OF BOARD: The instant dispute presents the identical issue, under substantially the same factual circumstances as was considered by the Board in Award 15087, involving these same parties.

Accordingly, Award 15087 is held to be controlling herein on the jurisdictional issue as well as the contractual violation. Similarly, we are remanding the matter to the parties solely for the purpose of resolving the remedial provisions. It is recognized that, in any event, an employee who has been affected by such violation will be limited to only one recovery regardless of the source.

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 the Agreement was violated.

AWARD

Claim sustained to the extent that the agreement was violated. However, the matter is remanded to the parties solely for the purpose of resolving the remedial provisions, per opinion. In the interim, we shall retain jurisdiction.

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

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 23rd day of December 1966.

CARRIER MEMBERS' DISSENT TO AWARD 15121, DOCKET CL-15135

What has been said in our Dissent to Award 15087, Docket CL-14986, is also applicable here.

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