

Award No. 18631

Docket No. MS-19148

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

Gene T. Ritter, Referee

**PARTIES TO DISPUTE:**

**JAME E. SAUL**

**NORFOLK AND WESTERN RAILWAY COMPANY**

**STATEMENT OF CLAIM:** Violation of Rule #1-2-3-36-38-39 and 65 of the Master Agreement and the Portsmouth Ohio Scale Office Memorandum Overtime Agreement of 1966.

The removal of junior clerk, J. F. Shoemaker from his regular assigned position of I. B. M. clerk, to fill the vacant position of billing clerk. This position vacant account of assigned rest days (rest days — Sunday and Monday). Clerk, Shoemaker assigned hours of work were, 3:00 P. M. till 11:00 P. M. the assigned hours of the billing position he filled was, 3:30 P. M. till 11:30 P. M., this being my regular assigned position five (5) days a week, I should have been called for overtime. There was no relief provided for the assigned rest day of this position. In all past practice of this position it was worked on overtime for eight (8) hours.

Also, junior clerk H. J. Wilson was removed from his regular assigned position of rate and route clerk to fill the vacant position of clerk Shoemaker. This was done on instructions from Mr. G. W. Ruessell, Agt/Weighmaster.

**OPINION OF BOARD:** A careful review of the record in this Docket reveals that this claim was not handled on the property in accordance with the mandatory provisions of Section 3, First (i) of the Railway Labor Act and Circular No. 1 of the National Railroad Adjustment Board. Therefore, this Board is jurisdictionally precluded from considering the merits of this dispute. Accordingly, this claim will be dismissed.

**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.

**AWARD**

**Claim dismissed.**

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

**ATTEST: E. A. Killeen  
Executive Secretary**

**Dated at Chicago, Illinois, this 30th day of June 1971.**