

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19872  
Docket Number CL-19935

Irwin M. Lieberman, Referee

PARTIES TO DISPUTE: ( (Brotherhood of Railway, Airline and Steamship Clerks,  
(Freight Handlers, Express and Station Employees  
(J. F. Nash and R. C. Haldeman, Trustees of the Property of  
(Lehigh Valley Railroad Company, Debtor

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood  
(GL-7145) that:

(a) Carrier violated the Agreement between the parties effective as revised May 1, 1955, when it locked out employees in the General Offices, posting notices that all positions were suspended May 17 and 18, 1971, due to Strike of Signalmen; and then used Supervisory Excepted Personnel to perform clerical duties on May 18, 1971.

(b) The Carrier shall be required to compensate the following regularly assigned employees, whose work and positions were covered and performed by Supervisory Excepted Personnel on May 18, 1971, as follows:-

<u>NAME OF CLAIMANT</u>	<u>ASSIGNED POSITION</u>	<u>TIME CLAIMED</u>
Ruth Seifert	Clerk - C.F.A.	8 hours
Braden Paulus	Clerk - C.F.A.	8 hours

OPINION OF BOARD: The Claim herein, on behalf of two clerical employees, alleges a lockout on May 17 and May 18, 1971, during the Signalmen's strike, and the use of Supervisory Personnel to perform clerical duties on May 18, 1971. The identical issue, but with other claimants from the same office, was decided by this Board in Award 19836. In that case we found that there was no evidence to suggest that Claimants attempted to report to work or that they would have crossed the picket line. In this case similarly, there is no showing that claimants made any effort to report for duty, and we must deny the claim for the reasons set forth in Award 19836.

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;

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That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

A. W. Pauline  
Executive Secretary

Dated at Chicago, Illinois, this 27th day of July 1977.