

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20959
Docket Number CLX-20777

Francis X. Quinn, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline & Steamship
(Clerks, Freight Handlers, Express and
(Station Employes
(
(REA Express, Inc.

STATEMENT OF CLAIM: Claim of the District Committee of the Brotherhood
(GL-7634) that:

1. The Agreement governing hours of service and working conditions between the parties, effective May 3, 1970, was violated at the Portland, Oregon agency when on January 27, 1972, the Carrier refused to pay Mr. E. J. Halverson's claim for additional pay due to delay on his Over-The-Road tour of duty.

2. Mr. Halverson now be compensated for eight (8) hours delay pay at the rate of \$3.76 per hour.

OPINION OF BOARD: The record indicates that the claimant was off duty during the period for which claim is made and that the reason he was off duty was that Federal Government Regulations required it. Since the claimant was off duty, pursuant to law and not the direction of REA, we find no basis for the claim for pay for this off-duty time.

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 Employes involved in this dispute are respectively Carrier and Employes 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.

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Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: *A. W. Paulis*
Executive Secretary

Dated at Chicago, Illinois, this 13th day of February 1976.