

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21431  
Docket Number CL-21066

William M. Edgett, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks,  
( Freight Handlers, Express and Station Employees  
(  
(The Atchison, Topeka and Santa Fe Railway Company  
( - Eastern Lines -

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood,  
GL-7740, that:

(a) Carrier violated the Mediation Agreement of February 25, 1971 when it failed and refused to allow R. D. Horn separation allowance.

(b) Carrier shall now allow R. D. Horn separation allowance as provided for in Article VIII, Section 6, of the Mediation Agreement of February 25, 1971.

OPINION OF BOARD: The resolution of this claim hinges on a factual determination of whether claimant was placed in an off-in-force status as a result of the abolishment of Position HN-9 at La Junta. The chain of displacements is complex and there is no reason to recite the details here. The Board has given the entire matter a detailed and close review. It has concluded that claimant was displaced as a result of the abolishment of job HN-9 and that his claim must be sustained.

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; and

That the Agreement was violated.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

*A. W. Pauls*  
Executive Secretary

Dated at Chicago, Illinois, this 28th day of February 1977.