

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21484
Docket Number CL-21444

Robert M. O'Brien, Referee

(Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(Express and Station Employees

PARTIES TO DISPUTE: (

(Robert W. Blanchette, Richard C. Bond
(and John H. McArthur, Trustees of the
(Property of Penn Central Transportation
(Company, Debtor

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood,
GL-8043, that:

(a) Carrier violated the Clerks Agreement at Hunt's Point Market, New York, when on February 19, 1974, and continuing through October 3, 1974, it failed to fill, bulletin and/or abolish the Foreman position FF-41.

(b) Clerk John C. Kelly, seniority date November 9, 1939, be compensated \$5.688 per day commencing February 19, 1974 through October 3, 1974. NOTE: Reparation to be determined by joint check of Carrier's payroll and other records.

OPINION OF BOARD: On April 15, 1974 the Organization filed the instant claim alleging that the Carrier violated the applicable Agreement between the parties when they failed to abolish and rebulletin a clerical position assigned to one N. T. Baffa on October 22, 1973. The Organization argues that certain transactions described in the record violated Rules 3, 37, 39, and 45 of the agreement. We have carefully examined the entire record and do not find a violation under the particular facts before us. The claim will be denied.

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

The Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 31st day of March 1977.

