

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21521
Docket Number CL-21282

Robert J. Ables, Referee

PARTIES TO DISPUTE:

(Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(Express and Station Employees
(
(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-7866, that:

(a) The Carrier violated the Rules Agreement effective February 1, 1968, particularly the Scope Rule, when they permitted Terminal Service Employees to perform the work of Auto Messengers. The Terminal Service Employees used are as follows:

First Shift - Mr. Sefton, Mr. Brennan, Mr. Jackson
Second Shift - Mr. Fischer, Mr. Bishop, Mr. Byrd
Third Shift - Mr. Woodruff, Mr. Fredrick, Mr. Moore
Relief - Mr. Boling, Mr. Bassett, Mr. Gladwell, Mr. Staytes

(b) Claimants, F. Dupree, W. O. George, J. W. Mandrell, H. Sufan, P. B. Mosley, J. Ferguson, A. T. Derosssett, C. Meece, W. C. Anderson, R. E. McArtor, J. D. Brooks, and S. E. Hale, furloughed Group 2 employees be allowed 8 hours each date at the rate of \$34.46 per day, 5 days per week, beginning June 10, 1972 and continuing each and every day until this violation is corrected.

(c) Claim is being presented and progressed in accordance with Rule 7-B-1, and should be allowed.

OPINION OF BOARD: The facts and issues involved in this dispute were considered in some detail in our recent Award 21339 (Blackwell), which we find controlling. For the reasons set forth in that Opinion, the present 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

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. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 19th day of May 1977.

