

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21575

Docket Number CL-21084

Lloyd H. Bailer, Referee

PARTIES TO DISPUTE:

(Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(Express and Station Employees
(
(The Baltimore and Ohio Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-7749) that:

(1) Carrier violated the Agreement between the parties when on June 5, 6, 7, 8, 9, 10, 11, 11, 11, 13, 14, 15, 16, 18, 19, 20, 21, 21, 22, 23, 24, 25, 26, 26, 28, 28, 29, 30, July 1, 2, 2, 3, 3, 4, 7, 7, 8, 9, 10, 10, 11, 12, 12, 13, 13, 14, 14, 15, 16, 17, 18, 18, 19 and 19, 1973, it caused and permitted Train Dispatchers located at Deshler, Ohio to engage in the blocking of trains using the Bowling Green Sub-Division at Tontogany, Ohio, and

(2) Carrier shall, as a result, compensate Operators R. M. Long, J. M. Lovejoy, J. F. Spangler, T. D. Thompson, D. W. Luderman, R. M. Long, R. M. Long, J. M. Lovejoy, J. M. Lovejoy, J. F. Spangler, D. W. Luderman, M. E. Starkey, G. L. Romano, J. M. Lovejoy, W. T. Byrum, J. M. Lovejoy, J. M. Lovejoy, T. D. Thompson, G. A. Fitch, C. R. Rush, R. C. Edington, G. L. Romano, J. N. Dean, J. M. Lovejoy, J. F. Spangler, D. W. Luderman, J. F. Spangler, L. J. Becker, M. E. Starkey, N. J. Sundrup, G. L. Romano, W. T. Byrum, T. D. Thompson, J. F. Spangler, D. W. Luderman, C. R. Rush, M. E. Starkey, G. L. Romano, J. M. Lovejoy, W. T. Byrum, J. M. Lovejoy, P. M. George, J. F. Spangler, G. A. Fitch, T. D. Thompson, D. W. Luderman, N. J. Sundrup, W. T. Byrum, J. M. Lovejoy, W. T. Byrum and J. M. Lovejoy, three (3) hours' pay for the dates of June 5, 6, 7, 8, 9, 10, 11, 11, 13, 14, 15, 16, 18, 19, 20, 21, 21, 22, 23, 24, 25, 26, 26, 28, 28, 29, 30, July 1, 2, 2, 3, 3, 4, 7, 7, 8, 9, 10, 10, 11, 12, 12, 13, 13, 14, 14, 15, 17, 18, 18, 19 and 19, 1973 respectively, also compensate Operators R. M. Long and M. A. Douglas two (2) hours pay for the dates of June 11 and 16, 1973.

OPINION OF BOARD: The basic issues involved in this case have been extensively reviewed and ruled upon in two prior Awards of this Division--Award Nos. 21074 (Lieberman) and 21326 (Lieberman), both involving the same parties as here.

Based upon the entire record of this case, and in view of our previous decisions as listed above, which have not been shown to be palpably erroneous, we cannot find a contractual basis for the result desired by petitioner. Therefore we must deny this claim on the basis of res judicata.

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. Paulson
Executive Secretary

Dated at Chicago, Illinois, this 17th day of June 1977.

