

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21584
Docket Number CL-21262

Irwin M. Lieberman, 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-7853, that:

(a) Carrier violated the Rules Agreement effective February 1, 1968, particularly Rule 3-C-2 (a) (1), the Scope Rule and the Extra List Agreement by failing to properly assign the remaining duties of abolished position G-340 at Shire Oaks, Pennsylvania, abolished October 12, 1971.

(b) J. F. Jobes, W. P. Veres, and all others affected by the improper abolishment of Position G-340 each be allowed one day of eight (8) hours at the appropriate pro rata rate of pay for October 12, 1971 and to continue for each consecutive date that the violation exists.

OPINION OF BOARD: Claimant herein was a first-shift Crew Dispatcher at Shire Oaks, Pennsylvania, the incumbent of Position G-340. The position was abolished October 12, 1971 and the work transferred for the most part to West Brownsville, Pennsylvania.

The Claim herein is identical in all material respects to that described in Award 21583 and was part of the changing pattern of work at Shire Oaks initiated in 1971. Since the circumstances were identical, the reasoning in Award 21583 is equally applicable to this dispute, and is incorporated herein and included by reference.

For the reasons indicated in the prior award, the Claim will be sustained; however, there will be no monetary award.

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;

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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 to the extent indicated in the Opinion above.

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.