

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21790
Docket Number CL-21672

James F. Searce, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(Express and Station Employees
(Southeastern Demurrage and Storage Bureau

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood,
GL-8123, that:

(a) The Bureau violated and continues to violate the rules of the current Clerks' Agreement when on or about March 1, 1975, the Bureau arbitrarily farmed out work belonging under the scope of our Agreement to employees outside the scope of our Agreement.

(b) That all work taken away from Claimant J. F. Williams be returned to his position immediately.

(c) That Claimant J. F. Williams be paid a day's pay at his respective rate of pay, \$891.96 per month, plus any subsequent raises thereof for each and every day the work continues to be farmed out commencing March 1, 1975 and continuing until the work is returned to its proper place under the Agreement.

OPINION OF BOARD: In its submission to this Board the Petitioner has not cited any rule as having been allegedly violated.)
Neither has the Petitioner filed a rebuttal to the Carrier's submission, thus leaving the Carrier's contentions unrefuted.

Under these circumstances, the Board can only dismiss the claim. ~

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 claim be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: *A. W. Pauls*
Executive Secretary

Dated at Chicago, Illinois, this 18th day of November 1977.

