

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21945
Docket Number CL-21872

Don Hamilton, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(Express and Station Employees
(
(Consolidated Rail Corporation
((Former Lehigh Valley Railroad Company)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-8240) that:

(a) Carrier violated the May 1, 1955 Rules Agreement, particularly Rules 3, 7, 26, 45 and the applicable Extra List Agreement, when it failed to call Extra Clerk Mike Kordek to fill a vacancy in the position of Scale Clerk in the Allentown Consolidated Yard on May 14, 1975.

(b) Carrier now be required to compensate Claimant Mike Kordek for the earnings of which he was deprived by said Agreement violation on the date of May 15, 1975.

OPINION OF BOARD: The issue presented in this dispute, when carved from other extraneous and irrelevant matters, concerns the right of the Carrier to blank a position where the regular incumbent marks off. Petitioner asserts that Rule 7 of the May 1, 1955, Rules Agreement and the Extra List Agreement afford him the primary right to be used to fill the position. Carrier contends there is no extra list agreement covering the Allentown Consolidated Yard, and for that reason there is no contractual support for the claim.

We agree with the Carrier and deny 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 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 15th day of March 1978.

