

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21969  
Docket Number CL-21840

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-8223) that:

(a) Carrier violated the Rules Agreement, effective May 1, 1955, when it failed to call Ms. Evelyn Gietter for a vacancy on a clerical position at Oak Island Ramp on September 16, 1974.

(b) Carrier now be required to compensate Ms. Evelyn Gietter for one minimum day at the pro rata rate of the position of which she was deprived.

OPINION OF BOARD: This Division has held that where, as in this case, the Local Chairman does not receive a reply from the Trainmaster, timely denying the claim, the same must be sustained.

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 Employes involved in this dispute are respectively Carrier and Employes 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 violated.

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Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

A. W. Pauls  
Executive Secretary

Dated at Chicago, Illinois, this 31st day of March 1978.

