

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21970  
Docket Number CL-21848

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-8259, that:

(a) Carrier violated the Rules Agreement, effective May 1, 1955, particularly Rules 1 (Scope), 3, 7, 26 and others, also provisions of the applicable Extra List Agreement, when it failed to call Extra Clerk, Mrs. E. Gietter for clerical work which had been assigned to a position identified as Notification Clerk prior to the abolishment of that position on February 26, 1975, and required or permitted the incumbent of an excepted position to perform such work at the Oak Island, New Jersey Piggyback Trailer on the date of March 10, 1975.

(b) Carrier now be required to compensate Mrs. E. Gietter for one day's pay at the pro rata rate of the abolished Notification Clerk's position for the date of March 10, 1975.

OPINION OF BOARD: In this case the Organization failed to offer sufficient proof to establish that the work in question was actually performed. Therefore, the claim must be denied.

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;

Award Number 21970  
Docket Number CL-21848

Page 2

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 31st day of March 1978.

