

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21973  
Docket Number CL-21907

Don Hamilton, Referee

PARTIES TO DISPUTE:

(Brotherhood of Railway, Airline and  
( Steamship Clerks, Freight Handlers,  
( Express and Station Employes  
(  
(Consolidated Rail Corporation  
( (Former Lehigh Valley Railroad Company)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood  
GL-8262, that:

(a) Carrier violated the Rules Agreement, effective May 1, 1955, particularly Rule 11 thereof, when it failed to bulletin and regularly assign a Position of Eastbound Bill Clerk at the Piggyback facility - Newark (Oak Island), New Jersey - and, in lieu thereof, required the work of such position to be performed by an employe called from the extra list to perform work alleged, by the Carrier, to be that of an extra typist since May, 1974.

(b) Carrier now be required to comply with the aforesaid rules of the said agreement by bulletining and regularly assigning an Eastbound Bill Clerk position at the Oak Island Facility, at the appropriate rate of pay, to perform its Eastbound billing work.

OPINION OF BOARD: The facts pled and proven in this case are so irreconcilably in conflict that it is not possible for the Board to make a decision on the merits of this case. Therefore, the claim will be dismissed.

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;

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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 dismissed.

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.

