

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21974  
Docket Number CL-21911

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-8261, that:

(a) Carrier violated the Rules Agreement effective May 1, 1955, particularly Rule 21, 36, 43, 44 and the provisions of the applicable Extra List Agreement, when it required or permitted a regularly assigned Investigator in the Office of Manager Freight Claims & Prevention to regularly commence the work of his position not less than one (1) hour prior to the assigned on-duty time and failed to compensate said Investigator for the resulting overtime work.

(b) Carrier now be required to compensate Joseph P. Donohue, the regularly assigned incumbent of said Investigator position for one (1) hour at the punitive or overtime rate of that position for each day on which he performed service commencing January 27, 1975, and continuing until said Rules violation is corrected.

OPINION OF BOARD: The facts which have been pled and proven in this case are insufficient to support the claim.

This case must be denied for a failure of proof.

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;

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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 denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

A. W. Paulos  
Executive Secretary

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

