

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22010
Docket Number CL-21937

George S. Roukis, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline & 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-8287, that:

(a) Carrier violated the Rules Agreement, effective May 1, 1955, particularly Rules 45, 3, 7 and 9 thereof, when it required Mrs. A. Griscavage to suspend the work of her assigned position (Lead Clerk - MFA) and perform the assigned duties of another position (Lead Clerk - Piggy Back Department) on the date of March 14, 1975.

(b) As a consequence of that violation Carrier now be required to compensate Mrs. Griscavage in the amount of one day's pay at the pro rata rate of the position of Lead Clerk - MFA.

OPINION OF BOARD: This Board has reviewed all the pertinent facts and arguments respecting the bona fides of this case and conclude that the issue posed for our determination is identical to the question and concomitant fact particulars adjudicated by us in Award 21639 (Referee Smedley). The issue simply stated is: May a clerk be reassigned the duties of another clerk's position for a day without contravening the collective agreement?

We recognize the importance of decisional law in guiding the focus of our critical analysis and, of necessity, cannot disregard the compelling presence of persuasive precedent.

In the instant case we have essentially the same rules and basic arguments as those considered in Award 21639, *supra*, and accordingly we do not find them inconsistent.

The claim will 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;

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 14th day of April 1978.

