

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22398  
Docket Number CL-22254

Louis Yagoda, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and  
( Steamship Clerks, Freight Handlers,  
( Express and Station Employees  
(  
(Southeastern Demurrage and Storage Bureau

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood  
(GL-8443) that:

"(a) The Bureau has violated the Rules Agreement, particularly Rule 34 when they did not allow the claimant to perform overtime work that normally would have been a part of claimant's regular assignment.

(b) Claimant T. D. Bruce should be paid one day's pay for January 2, 1976 at the rate of one and one-half times the regular basic straight time rate of the claimant."

OPINION OF BOARD: This is a companion case to Award No. 22386, involving the absence of R. O. McCollum. The Carrier used employee Dickie who was on duty to fill Mr. McCollum's position. In this regard the Claimant contends that Rule 34(d) requires that he should have been called to perform the duties of McCollum's position.

Friday, January 2, 1976, was Claimant's assigned rest day. It is also clear the duties to be performed that day by Dickie were part of an assignment, namely, McCollum's. Therefore, it cannot be said Carrier violated Rule 34(d) as it does not require the Claimant be used.

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:

*J. W. Pauls*  
Executive Secretary

Dated at Chicago, Illinois, this 27th day of April 1979.

