

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23049  
Docket Number CL-22909

George S. Roukis, Referee

PARTIES TO DISPUTE:

(Brotherhood of Railway, Airline and Steamship Clerks,  
( Freight Handlers, Express and Station Employees  
(  
(Chicago, Milwaukee, St. Paul and Pacific Railroad Company

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood (GL-8758)  
that:

1) Carrier violated, and continues to violate, the Clerks' Rules Agreement at Seattle, Washington commencing on July 20, 1977 when it failed to assign Position No. 89760 to employe M. D. Jones.

2) Carrier shall be required to recognize Marvin D. Jones' seniority, promotion and displacement rights, assign him to Position No. 89760, and compensate him for an additional day's pay at the appropriate rate for each work day he is denied his contractual rights to that position.

3) Carrier shall pay employe Jones interest at the rate of 7½% compounded annually on the anniversary date of this claim on the amount due in Item 2 above.

OPINION OF BOARD: The claim herein is identical to the claim raised in a companion case, designated as Award No. 23047 and involving the same parties, although a different Claimant is named in this petition. Since our decision in Award No. 23047 by definition and application moots this claim, we will dismiss it.

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.

Award Number 23049  
Docket Number CL-22909

Page 2

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~~Claim dismissed.~~

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By Order of Third Division

ATTEST:

A. W. Pauls  
Executive Secretary

Dated at Chicago, Illinois, this 14th day of November 1980.