

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23420
Docket Number CL-23012

Robert A. Franden, Referee

PARTIES TO DISPUTE:

{ Brotherhood of Railway, Airline and Steamship Clerks,
Freight Handlers, Express and Station Employees
{ The Akron, Canton & Youngstown Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-8890) that:

1. Carrier violated the Agreement between the parties when on June 19 through 23, 1978, they refused to allow J. N. Jarrett to mark up on and work the position of a vacationing employee.

2. Mr. Jarrett shall be paid one additional days pay for each date of the vacation period.

OPINION OF BOARD: This claim is based on the alleged improper use of an employee other than the claimant to fill a vacation vacancy on June 19 through 23, 1978. Claimant requested the work of the position of the second trick IBM clerk the incumbent of which position was on vacation but was denied the right to fill the vacation vacancy.

The Carrier has taken the position that there is no rule support for the position of the Claimant and further that the past practice on the property supports the Carrier's assignment of the vacation vacancy to an extra board employee junior to Claimant.

We find for the Carrier in the instant case. As between this Carrier and the Organization, there is no Agreement rule which supports the position of the Claimant. Further, the record supports the Carrier's position that its use of extra board employees as the regular vacation relief employees has been long-standing on this property without objection by the Organization. In the absence of contractual support for the claim, we must deny same.

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.

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Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: *A. W. Paulson*
Executive Secretary

Dated at Chicago, Illinois, this 3rd day of November 1961.

