

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24204  
Docket Number CL-24085

Irwin M. Lieberman, Referee

PARTIES TO DISPUTE: { Brotherhood of Railway, Airline and Steamship Clerks,  
                              { Freight Handlers, Express and Station Employees  
                              { Missouri-Kansas-Texas Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-9405)  
that:

1. The Missouri-Kansas-Texas Railroad Company violated the rules of the current Agreement between the parties, DP-451, including but not limited to Section 1 of Addendum No. 1 (Extra Board Agreement) at Fort Worth, Texas, when on August 10, 1979, it returned Clerk L. L. Stanfield to his regular assignment when he had not been physically displaced by the return of the regular assigned occupant of Position No. 4399.

2. Carrier shall compensate Clerk C. A. Johnson for two (2) days' pay at the pro-rata rate of Relief Clerk Position No. 1 for time lost during the period of August 10 through September 2, 1979, account being removed from a hold-down of that position in violation of DP-451.

OPINION OF BOARD: This dispute deals with a series of displacements involving six different positions over a two month period. During the handling of this dispute on the property, Petitioner contends that Claimant Johnson lost work opportunities on Relief Position No. 1 during five days in August 1979 and one day in September. Yet the Claim herein asks for two days compensation for time lost during the same period. There is no explanation in the record to indicate the days for which pay is claimed.

A study of the record indicates that in the series of moves made for the various open positions, the only bona fide hold-down occurred on August 13, 1979 when Clerk Steele placed a hold down on the Live Stock Clerk position at Fort Worth, Texas. At that time Claimant Johnson had already been returned to the Extra Board (on August 11) immediately following the observance of two rest days. The earlier vacancies were all of short duration and not expected.

The Board concludes that even without consideration of the disputes concerning the facts, there appears to be no merit in this Claim. That conclusion is grounded first on the fact that the Claim itself is vague and non-specific as to the precise dates for which payment is claimed. Secondly, there appears to be no evidence that Carrier violated the Agreement with respect to Claimant.

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: Acting Executive Secretary  
National Railroad Adjustment Board

By Rosemarie Brasch  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 14th day of March 1983.

