

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25961
Docket Number MS-26037

Charlotte Gold, Referee

(J. C. Spinelli
PARTIES TO DISPUTE: (
(Norfolk and Western Railway Company
(formerly Akron, Canton & Youngstown Railroad)

STATEMENT OF CLAIM:

"(a) The Akron, Canton & Youngstown Railroad Company (hereinafter referred to as the Carrier or AC&Y-N&W) violated its train dispatchers schedule working conditions agreement, including Articles 1 (a), 1 (b), 4, 1 (c) and 4 (h) thereof, and Memorandum of Understanding dated October 29th, 1974, when it required, permitted and/or delegated to persons not within the scope of said Agreement, performance of work previously performed by Train Dispatchers, Payroll Records (daily time, Sickness and Vacations) for Train Dispatchers and Clerks at East Akron, Akron, Ohio are now being performed and recorded by Chief Clerk (N&W) at Brewster, Ohio. The Above violation is being Claimed as of January 15th, 1982 through date claim is resolved and this work returned to dispatchers office.

(b) Because of said violation, the Carrier shall now compensate Claimant R. R. Shaull One (1) day's compensation at the applicable rate to Assistant Chief-Trick dispatcher, as the senior extra train dispatcher available at the time stated in paragraph (a) above."

OPINION OF BOARD: Petitioner seeks compensation for pay during the period from January 15, 1982 to April 1, 1982, for work in conjunction with payroll records that it alleges rightfully belonged to Train Dispatcher and Clerks in Akron, Ohio, but instead was being done by the Chief Clerk in Brewster, Ohio.

As in Third Division Award Nos. 25959 and 25960, this Board finds that the same procedural defect cited in those Awards also bars this case from being heard by the Board.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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 dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:

A handwritten signature in cursive script, appearing to read "Nancy J. Dever", is written over a horizontal line.

Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 14th day of March 1986.