

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26540
Docket Number CL-26033

Rodney E. Dennis, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employees
(
(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood
(GL-9934) that:

(a) Carrier violated the rules of the current Clerks' Agreement at Barstow, on April 11, 1983, when J. D. Bolduc was not properly compensated for work performed, and

(b) J. D. Bolduc shall now be compensated for four (4) hours at the straight time rate in addition to any compensation Claimant may have received for its day at the rate of Position No. 6051."

OPINION OF BOARD: Claimant was in an off-in-force reduction status on April 11, 1983, when she was called to fill a short vacancy caused by a regularly assigned employee becoming ill part way through his shift. Claimant reported to work at 3:00 A.M. and worked until 7:00 A.M. She submitted a time sheet requesting eight hours' pay. Her paysheet was reduced to four hours pay at the pro rata rate. A Claim was filed for the additional four hours pay. That Claim was denied and has been processed to this Board for final adjudication.

This Board has reviewed a similar case (Third Division Award 26539) involving these same parties. Our rationale in that case applies equally as well to this case. We see no need to repeat it here.

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 violated.

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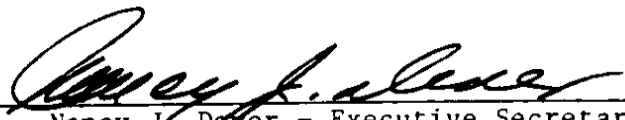
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A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dover - Executive Secretary

Dated at Chicago, Illinois, this 30th day of September 1987.

CARRIER MEMBERS' DISSENT
TO
AWARD 26540, DOCKET CL-26033
(Referee Dennis)

The Majority sustains the Claim on the basis of its decision in Third Division Award 26539. For the same reasons we dissented there, we dissent here.

M. W. Fingerhut
M. W. FINGERHUT

Robert L. Hicks
R. L. HICKS

Michael C. Lesnik
M. C. LESNIK

P. V. Varga
P. V. VARGA

James E. Yost
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