

The Third Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

PARTIES TO DISPUTE: (Transportation Communications International Union
(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood (GL-10196) that:

(a) Carrier violated the provisions of the current Clerk's Agreement at Amarillo, Texas, on June 30, 1986, when it failed or refused to call L. B. Dodd to protect the short vacancy of Car Clerk Position No. 6191, and

(b) L. B. Dodd shall now be compensated eight (8) hours' pay at the rate of Car Clerk Position No. 6191 for June 30, 1986, in addition to any other compensation she may have received for this day."

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

Claimant is a Clerk in off-in-force reduction status. On Monday, June 30, 1986, a short vacancy existed on a Car Clerk position. Carrier called a less senior Clerk than Claimant to cover the position. Claimant contends that she was available to be called and has submitted a claim for the day. Carrier contends that Claimant had marked off and was not available to cover the vacancy. This Board has reviewed the record and we find no definitive evidence to support either position. We are therefore forced to dismiss this claim because of an irreconcilable dispute in fact.

Form 1
Page 2


Award No. 27935
Docket No. CL-28013
89-3-87-3-575

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 6th day of June 1989.