

The Third Division consisted of the regular members and in addition Referee Martin F. Scheinman 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-10082) that:

1. Carrier violated the rules of the current Clerks' Agreement at Richmond, California, on December 24, 1984, when it required Mr. C. Valdez to take the holiday off (Christmas Eve) and allowed another employe to perform his duties, and

2. Mr. C. Valdez shall now be compensated for eight (8) hours' pay at time and one-half for December 24, 1984, at the Car Clerk rate of pay in addition to any other compensation he received on this day as a result of such violation of Agreement rules, and

3. Carrier shall now be required to pay 25 per cent (25%) interest compounded daily until claim is paid."

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.

The facts of this case are not in dispute. Claimant is the regularly assigned occupant of Car Clerk Position No. 6020 at Richmond, California, assigned to work 7:00 A.M. to 3:00 P.M., Friday through Tuesday, with rest days Wednesday and Thursday. Claimant's position was blanked on Monday, December 24, 1984, a designated holiday. On that date, the Organization alleges that the work normally assigned to Claimant was performed by Head Car Clerk on Position No. 6009.

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Docket No. CL-27037
89-3-86-3-78

Except as to dates and the particulars of the work involved, this dispute is the same as that considered in Third Division Award 27206. The Board here reaches the same conclusion as in that Award, based on the same reasoning.

Accordingly, the Claim is denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Bever - Executive Secretary

Dated at Chicago, Illinois, this 11th day of September 1989.