

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-10084) that:

a. Carrier violated the rules of the current Clerks' Agreement at San Bernardino, California on February 18, 1985 when it failed and/or refused to allow Mr. E. W. Benson to work Position No. 6101, and

b. E. W. Benson shall now be compensated eight (8) hours' pay at the rate of time and one-half rate of Assistant Cashier for Position No. 6101 for February 18, 1985, in addition to any other compensation he 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.

The facts of this case are not in dispute. Claimant is the regularly assigned occupant of Assistant Cashier Position No. 6101 at San Bernardino, California, assigned to work 6:00 A.M. to 2:30 P.M., Monday through Friday, with rest days of Saturday and Sunday. Claimant's position was blanked on Monday, February 18, 1985, a designated holiday. On that date, the Organization alleges that the work normally assigned to Claimant was performed by Assistant Cashier on Position No. 6040.

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.

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Award No. 28098
Docket No. CL-27075
89-3-86-3-127

A W A R D

Claim denied.

National Railroad Adjustment Board
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

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