

The Third Division consisted of the regular members and in addition Referee John B. LaRocco when award was rendered.

PARTIES TO DISPUTE: (Transportation Communications International Union
(CSX Transportation, Inc.
(Formerly The Louisville and Nashville Railroad Company)

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood (GL-10433) that:

1. Carrier violated the Clerical Agreement at Pensacola, Florida during the week of February 27, 1989 through March 5, 1989, when it failed to compensate Clerk E. L. Griffin a guarantee day; after Mr. Griffin had worked only four (4) shifts during the previously mentioned week.

2. As a result of the above, the Carrier shall be required to compensate Clerk E. L. Griffin one (1) day's pay at the rate of the Guaranteed Extra Board, a total of \$104.70. A copy of the original claim is attached."

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 employees involved in this dispute are respectively carrier and employees 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.

In this case, Claimant is the same Guaranteed Extra Board employee whose claim we sustained in Third Division Award 29168.

During the workweek starting on Monday, February 27, and concluding on Sunday, March 5, 1989, Claimant performed service on four days. He sought one day of guaranteed compensation.


On Monday, February 27, a junior Guaranteed Extra Board employee scheduled to work Position No. 102 at Goulding Yard, Pensacola, Florida, marked off due to illness. The Carrier called Claimant to work the position. Claimant performed the service. The next day, the junior Extra Board employee returned to the vacancy. Claimant was available for service, but the Carrier did not call him. Claimant did not exercise his seniority to displace the junior Extra Board employee per Rule 15(i).

The facts in this case are identical to the underlying facts in Award 29168. We do not find any evidence in the record before us which would warrant an outcome different from the result we reached in Award 29168. For the reasons more fully set forth in Award 29168, we sustain this claim.

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 3rd day of April 1992.