

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-10437) that:

1. Carrier violated the Clerical Agreement at Mobile, Alabama on October 3, 1988 when it allowed and/or required an employee at Birmingham, Alabama, to perform work assigned to the Transportation Service Center at Mobile, Alabama.

2. As a result of the above, the Carrier shall be required to compensate the Senior Available Employee, extra in preference, one (1) day's pay at the rate of the RWC/AWS Clerk at Mobile, Alabama, a total of \$114.32."

FINDINGS:

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

The carrier or carriers and the employee 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.

On September 29, 1988, the Carrier discovered that two rail cars originating at Monroeton, Alabama, had moved, without waybills, to Birmingham, Alabama. Clerks at Birmingham classified the cars as "no bills," ascertained the correct billing information and then prepared the car billings.

Unlike the facts in Third Division Award 29167, the Organization did not proffer any evidence in this case that a supervisory employee performed scope covered work. The remaining issue in this case is identical to the seniority district jurisdiction issue which we adjudicated in Award 29167. For the reasons more fully set forth in Award 29167, we must deny this claim.

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Award No. 29174  
Docket No. CL-29331  
92-3-90-3-250

A W A R D

Claim denied.

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.