

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 30289
Docket No. CL-30371
94-3-92-3-159

The Third Division consisted of the regular members and in addition Referee Gil Vernon when award was rendered.

(Transportation Communications International
Union)
PARTIES TO DISPUTE: (
(CSX Transportation, Inc. (former Chesapeake
(and Ohio Railway Company)

STATEMENT OF CLAIM: "Claim of the System Committee of the
Organization (GL-10668) that:

- (a) The Carrier violated the terms of the General Agreement and Memoranda thereto when on February 25 and 26, 1989, it failed and refused to utilize the services of Clerk J. E. Noel, ID 902393, on Position A-057; and
- (b) The Carrier shall now arrange to allow Clerk Noel eight (8) hours pay at the punitive rate of \$118.96 per day for the above dates."

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 employee 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.

A review of this record reveals that Third Division Award 30288 covers the same time frame as this dispute. Because it was sustained and it would be impossible for the Claimant to hold both assignments simultaneously we find it to be unwarranted pyramiding of claims. Thus, we will dismiss the Claim without considering the merits.

AWARD

Claim dismissed.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 19th day of July 1994.