

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 33176
Docket No. CL-33711
99-3-97-3-161**

The Third Division consisted of the regular members and in addition Referee Elizabeth C. Wesman when award was rendered.

PARTIES TO DISPUTE: (Transportation Communications International Union
(National Railroad Passenger Corporation (AMTRAK))

STATEMENT OF CLAIM:

“Claim of the System Committee of the Organization (GL-11710) that:

The following claim is hereby presented to the Carrier by Claimant, Brian Jeffers, account the Carrier violated Rule(s) 14F and other rules of the July 21, 1972 agreement between Amtrak and TCU, including all revisions, when they assigned and permitted Andrew Pelletteri to perform the duties on position symbol CCR-5, tour of duty 5:00 am - 2:00 pm on October 25 and 26, 1995, in the Commissary at Rensselaer, NY.

Claimant now be allowed 8 hours of pay for each date at the rate of time and one-half, based on the pro-rata daily rate of \$116.00 due to this violation.

Claimants regular position is Commissary Clerk, tour of duty 5:00 am - 2:00 pm at the rate of pay of \$116.00, at Rensselaer, NY.

Claimant was qualified, was ready, willing and able to perform the duties claimed, had the Carrier permitted him to do so. Mr. Pelletteri was awarded Job Symbol MBER-2 effective October 20, 1995 and was then awarded Job Symbol COMR-3 effective October 27, 1995.

This claim has been presented in accordance with Rule 25 of the above mentioned Agreement and should be allowed.”

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 were given due notice of hearing thereon.

This case is a companion case to Third Division Award 33175. For the reasons set for in that Award, the instant claim is also denied.

AWARD

Claim denied.

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 25th day of March 1999.