

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 36683
Docket No. CL-36367
03-3-00-3-613**

The Third Division consisted of the regular members and in addition Referee Dana E. Eischen when award was rendered.

PARTIES TO DISPUTE: (
(Transportation Communications International Union
(Duluth, Missabe & Iron Range Railroad Company

STATEMENT OF CLAIM:

**“Claim of the System Committee of the Brotherhood (GL-12648)
that:**

- 1. Carrier violated the TCU Clerical Employees Agreement at the Transportation Department in Proctor on Thursday, February 4, 1999, when it did not fill the tag day on the 11:00 p.m. - 7:00 a.m. Ore Sorter Position.**
- 2. Carrier shall now be required to compensate M. R. Soliday eight (8) hours pay at the pro rata rate of the Ore Sorter position for Thursday, February 4, 1999 which he would have received if he had been properly called to work this position.”**

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.

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Parties to said dispute were given due notice of hearing thereon.

Except for the claim date, the dispute presented in this case is indistinguishable from the matter decided by the Board in Third Division Award 36682. For reasons explained more fully therein, this claim likewise is 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 18th day of August 2003.