

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 36777
Docket No. CL-37207
03-3-02-3-117

The Third Division consisted of the regular members and in addition Referee Rodney E. Dennis 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-12796) that:

- (A) The Carrier violated the Amtrak Northeast Corridor Clerk's Rules agreement, particularly Rule(s) the Extra List, 4-A-4 and 4-A-1 and other rules that may apply when the Carrier failed to work Claimant Debbi Hoeler from working the Desk Clerk position, symbol No. RCK-4 at New York Penn Station on August 25, 2000.
- (B) Claimant Debbi Hoeler now be allowed eight (8) hours pay at the punitive rate of \$144.64 per day for August 25, 2000.
- (C) Claimant was available and should have been allowed to work in accordance with Rules Agreement.
- (D) This claim has been presented in accordance with Rule 25 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.

At the time of this dispute, D. Hoeler was working as an Usher at Penn Station, in New York City. On the day cited in the instant claim, the regularly assigned employee of Position RCK-4, Desk Clerk (12:00 P.M. - 8:30 P.M.) in the Customer Service Department in Penn Station, New York City, was promoted to a special assignment. On the date in question, the Carrier blanked Position RCK-4 rather than fill it from the Extra List or by overtime. As a result of the Desk Clerk position being blanked, on August 25, 2000, the Claimant filed this claim. She alleged that the Carrier had diverted the regularly assigned Desk Clerk position RCK-4 and failed to fill the vacant position by assigning her on an overtime basis.

For the same reasons set forth in companion Third Division Award 36775 the instant claim 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 29th day of December 2003.