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SPECIAL BOARD OF ADJUSTMENT NO. 122

THE PITTSBURGH AND LAKE ERIE RAILROAD COMPANY
THE LAKE ERIE AND EASTERN RAILROAD COMPANY
vs
BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES

Award No. 25
Case No. 30

STATEMENT OF CLAIM:

Claim of Clerk Thomas J. Stinson for eight hours punitive time at rate of Job No. 2, New Castle Junction, for January 3, 1955, and subsequent dates, account other crafts performing clerical work at New Castle Junction in violation of the Clerks' Agreement. (CL-297)

FINDINGS: The 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.

The Board has jurisdiction over the dispute involved herein. The parties to said dispute were given due notice of hearing thereon.

Notwithstanding the General Yardmaster's notice of disallowance of claim was issued after the Assistant Superintendent already had rejected same, the defect did not prejudice claimant's rights to appeal his cause of action to the Director of Personnel pursuant to the terms of Agreement dated March 15, 1954.

Since it reasonably may be concluded from the evidence that less than three hours of clerical work remained to be performed at New Castle Junction Yard following the abolishment on December 31, 1954, of stenographer-clerk Job 2 at that location, Section 2 of Letter Agreement of February 8, 1952, expressly authorizes the delegating of said remaining duties to the Yardmaster.

Section 3 of said Agreement sets forth joint check procedures for resolving differences of opinion as to extent of clerical work incidental to a given District No. 27 position.

On a failure to take advantage of the joint check arrangement referred to in said Section 3, there is no room to argue that more than three hours of clerical work still remained.

AWARD: Claim denied.

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/s/ Harold M. Gilden

Harold M. Gilden, Neutral and Only Member Thereof.

Pittsburgh, Pa.
April 24, 1958.