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Docket No. CL-7876
Award No. 14

SPECIAL BOARD OF ADJUSTMENT NO. 177 (FRR)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(a) The Carrier violated the Rules Agreement, effective May 1, 1942, except as amended, particularly Rules 2-A-1 and 2-A-2, when it failed to bulletin and award a newly established clerical position in the Crew Dispatcher's Office, 30th Street Station, Philadelphia, Pennsylvania, Philadelphia Terminal Division.

(b) The Claimant, Frank J. McLaughlin, should be allowed eight hours pay for September 21, 1953, and all subsequent dates until the violation is corrected, as a penalty. (Docket E-960)

FINDINGS: It appears from the record that beginning September 28, 1953 Extra Clerk Recchuite was used with substantial continuity at clerical work in the office of the crew dispatcher on a daily basis, with same tour of duty, with same relief days and at same rate of pay.

The fact that the continuity was broken at intervals by using him for a day or a few days on another position did not avoid the bulletin rule.

It does not appear that the Management knew that the position would be of more than thirty days' duration but it should have been bulletined at the end of that period.

Claimant holding senior priority and working another assignment was prevented from exercising seniority on the Recchuite position by the failure to bulletin it and he should be paid the difference between the amount he earned and the amount he would have earned if he had secured the position under proper advertisement and award during the applicable period beginning 45 days after Wednesday, September 30, 1953.

AWARD: Claim sustained in accordance with findings.

Signed this 17th day of July, 1957.

/s/ R. H. Skinner, Jr.
R. H. Skinner, Jr., Carrier Member

/s/ S. V. W. Loehr
S. V. W. Loehr, General Chairman

/s/ Mortimer Stone
Mortimer Stone - Chairman