

SPECIAL BOARD OF ADJUSTMENT NO. 374

Brotherhood of Railway and Steamship Clerks, Freight Handlers,  
Express and Station Employees

and

THE PENNSYLVANIA RAILROAD COMPANY

STATEMENT OF CLAIM:

System Docket No. 345 - Southwestern Region Case No. 526 - "Claim of the System Committee of the Brotherhood that:

(a) The Carrier violated the Rules Agreement, effective May 1, 1942, except as amended, particularly the Scope Rule, and Rules 2-A-1 (e) and 3-A-1, when it hired Mrs. Ida Becker as a clerk and used her to fill a vacancy on clerical position Symbol F-102, at the Freight Station, Shelbyville, Indiana, former Southwestern Division, during the period July 11 through July 22, 1955.

(b) The Claimant, J. A. Berry, should be allowed eight hours pay a day, as a penalty, for each date on which the violation occurred during the period July 11 through July 22, 1955. (Docket 345)"

FINDINGS:

We are involved herewith a two weeks' vacation while the incumbent of the position was on National Guard Duty.

Rule 2-A-1 (e) says flatly that "positions or vacancies of thirty days or less duration may be filled without bulletining. The senior qualified available employee requesting such position or vacancy x x x."

There is no record here that Claimant "requested" the vacancy in question. Carrier did not have to bulletin it.

A denial Award is in order.

AWARD:

Claim denied.

Signed this 12th day of December, 1961.

/s/ Edward A. Lynch  
E. A. Lynch, Chairman

/s/ A. E. Myles  
A. E. Myles, Carrier Member

/s/ A. B. Seward  
A. B. Seward, Employee Member