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SPECIAL BOARD OF ADJUSTMENT NO. 122

THE PITTSBURGH AND LAKE ERIE RAILROAD COMPANY  
THE LAKE ERIE AND EASTERN RAILROAD COMPANY

Award No. 26  
Case No. 31

vs

BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,  
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES

STATEMENT OF CLAIM:

Claims of clerks listed below for one day's pay for each date listed at punitive rate account other crafts performing clerical work at LE&E Ohio Works Yard in violation of the Clerks' Agreement. (CL-294)

<u>Claimant</u>	<u>Dates Claimed</u>
E. L. Giblin	September 18; 24; October 1; November 12, 19, 1954
G. M. Donnan	September 19, 20, 26, 27; October 4, 11, 25; November 7, 8, 21, 22, 28, 29, 1954.
J. M. Kadilak	September 19; October 2, 16, 31; November 13, 27, 1954.
J. F. Frush	September 20, 26; October 4, 11; November 1, 15, 1954.
M. W. Frush	September 21, 22, 28; November 2, 16, 17, 23, 1954.
D. E. Hewitt	September 21; October 20; November 2, 3, 10, 23, 24, 1954.
B. H. Butcher	September 23, 30; October 7, 21; November 11, 1954.
G. E. Taafe	September 24, 25; October 3, 18; November 1, 8, 15, 25, 1954.
D. D. Baker	September 27; October 19, 26; November 9, 10, 17, 24, 1954.
E. J. Powers	September 29; October 13, 26; November 9, 18, 1954.
D. E. Curran	September 25; October 2, 23, 31; November 13, 14, 20, 1954.
R. J. Saiani	September 30; October 8, 15, 28; November 13, 1954.
J. A. Marinelli	October 1, 8, 22, 24; November 12, 30, 1954.
M. J. Kadilak	October 6; 13; 20; November 3, 1954.
A. W. Calcagni	October 9, 10, 17, 24, 30; November 6, 7, 14, 28, 1954.
E. D. Yatsko	October 9, 17, 23; November 6, 20, 26, 1954.
W. Orechoneg	October 14, 21, 27, 28; November 4, 1954.
J. W. Gregg	September 18; October 3, 30; November 21, 27, 1954.
R. L. Stiteler	September 22, 23, 29; October 7; November 4, 11, 25, 1954.
J. V. Flaherty, Jr.	October 29; November 5, 19, 30, 1954.
P. H. Keffer	October 29; November 5, 26, 1954.

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.

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Section 3 of Agreement of February 3, 1952, provides the method for determining whether or not the volume of clerical work remaining to be performed subsequent to the abolishing of Yard Clerk Jobs 173 and 273 at the LE&E Ohio Works Yard (District No. 27 jobs) amounted to more or less than three hours per day. Until those procedures are first utilized, the instant cause of action is premature.

As to the alleged violation of Agreement of March 15, 1954, see Award No. 25, Case No. 30, Special Board of Adjustment No. 122.

AWARD: Claims denied.

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/s/ Harold H. Gilden

Harold M. Gilden, Neutral and Only Member Thereof

Pittsburgh, Pennsylvania  
April 24, 1958.