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AWARD NO. 9
NRAB DOCKET NO. CL-8259
CASE NO. 7
SSW FILE R-51-1087-2
BRC FILE NR-27-32

SPECIAL BOARD OF ADJUSTMENT NO. 169

PARTIES) The Brotherhood of Railway and Steamship Clerks
TO)
DISPUTE) St. Louis Southwestern Railway Company

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

(1) That Carrier violated the Clerks' current Agreement when it abolished the position of Yard Clerk, North Little Rock, Arkansas, hours 2:00 A.M., to 10:30 A.M., on Sunday, October 18, 1953, without at the same time abolishing the work attached to said position, and assigning part of this work to Telegrapher position located at the Yard Office at that point on overtime basis.

(2) That the incumbent of the above mentioned Yard Clerk position at the time of its abolishment, Mr. W. W. Massey, be compensated for all wage loss suffered as a result of this improper abolishment of said position, and any and all other employees adversely affected by the above action be likewise compensated for all wage loss suffered, due to their subsequent displacement from their regular positions, as well as others who may have been deprived of extra or overtime work as a direct result of the above violation of our agreement.

(3) That this Yard Clerk position be restored and the work taken therefrom restored to same.

(4) That Mr. F. H. Bethea, the senior Yard Clerk presently employed at North Little Rock, Arkansas, be compensated at penalty rate for all hours of service performed on the abolished Yard Clerk position, by Telegrapher, outside of his regular assigned hours, when F. H. Bethea was available on a call basis, and if such work not continuous with, before or after his regular assignment, be allowed a minimum of two hours for such call and if in excess of two hours on a minute basis.

(5) It is our understanding that this Yard Clerk position was re-established on November 23, 1953; therefore, this claim covers the period from October 18, 1953, to November 23, 1953, and for any subsequent dates that the position is abolished under similar circumstances.

FINDINGS: The principle involved in this case was disposed of in Award No. 7 of this Board denying a claim under similar circumstances.

AWARD: Claim denied.

/s/ Frank P. Douglass
Frank P. Douglass, Chairman

/s/ W. E. Straubinger
W. E. Straubinger, Employee Member
(Employee Member dissenting under the
principle laid down in Awards 7622, 7197, 6293 and 636.)
Tyler, Texas - March 14, 1957.

/s/ L. C. Albert
L. C. Albert, Carrier Member