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Docket No. CL-8791
Award No. 19

SPECIAL BOARD OF ADJUSTMENT NO. 177 (PRR)

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 assigned Clerk C. B. Russell to a clerical position at Union Station, Indianapolis, Indiana, Southwestern Division, effective October 1, 1951, and failed to bulletin and award the position.

(b) The Claimant, H. D. Rusie, regularly assigned clerk at Hawthorne Yard, Indianapolis, should be allowed eight hours pay a day for October 1, 1951, to April 26, 1952, inclusive, as a penalty. (Docket W-906)

FINDINGS: We think the record discloses that Clerk C. B. Russell during the period from January 1, 1952 to April 26, 1952 performed duties coming under the clerical agreement and in effect constituting a new position; that Carrier expected that the position would be of more than thirty days' duration and should have advertised it promptly pursuant to Rule 2-A-1(a).

Claimant should be paid the difference between the amounts he earned and the amounts he would have earned had he secured the position; to-wit, the amounts earned by Clerk C. B. Russell during the applicable period beginning 15 days after Wednesday, January 2, 1952.

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, Employee Member

/s/ Mortimer Stone
Mortimer Stone - Chairman