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Docket No. CL-7819
Award No. 7

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 the seniority rules, by removing Samuel Ellison, Loader-Trucker at Walnut Street Freight Station, Philadelphia, Pennsylvania, Philadelphia Terminal Division, from his position on February 1, 2, and 5, 1951, and assigning the duties of loading and trucking freight to employees junior to Mr. Ellison.

(b) The Claimant, Samuel Ellison, should be compensated for all monetary loss suffered February 1, 2, and 5, 1951. (Docket E-801)

FINDINGS: Due to the work stoppage resulting from failure of Trainmen to report for duty there was not sufficient work remaining at the Walnut Street Freight Station to justify working all the platform gangs. The senior gangs were worked and the remaining gangs, including Claimant, released under the provisions of Rule 4-A-7.

This work stoppage was a condition beyond the control of Management so permitted a recourse to that rule and such recourse was not in violation of Rule 4-A-3. Claimant was not displaced nor was his position abolished. No rule is shown making the abolishing of a position a prerequisite to the invoking of Rule 4-A-7 and we think Award 6757 does not so hold.

AWARD: Claim denied.

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

S. V. W. Loehr, Employee Member

/s/ Mortimer Stone
Mortimer Stone - Chairman