SPECIAL BOARD OF ADJUSTMENT NO. 605

PARTIES)   Brotherhood of Railway, Airline and Steamship Clerks,
TO   )   Freight Handlers, Express and Station Employees
DISPUTE)   and

Chesapeake and Ohio Railway Company (Chesapeake District)

QUESTIONS
AT ISSUE: (1)   Is Claimant E. E. Adkins entitled to a protected
                    rate of $28.08 per day (1966 rate), the rate of
                    the position to which he was regularly assigned
                    on October 1, 1964?

              (2)   If the answer to Question No. 1 is in the affirm-
                    ative, shall the Carrier now be required to com-
                    pensate E. E. Adkins for any loss sustained by
                    reason of its failure to so protect him at that
                    rate?

OPINION
OF BOARD: The parties are in agreement as to the facts. Through a
              series of errors, Adkins was permitted to displace Dillon
              and was himself displaced by a senior employee. Thereafter,
              a claim was filed on behalf of Dillon which was settled for
              $1,451.82. However, although Adkins was improperly on this
position on October 1, 1964, nevertheless, the Organization contends that
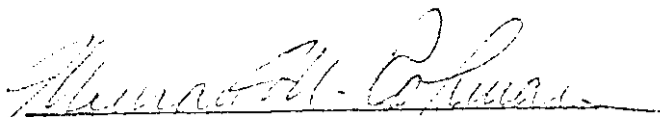he should continue to be paid on the basis of the higher rate.

        The issue presented herein involves the unusual situation
that despite having only one position of Special Statistical Clerk
A-216, rate of $29.49 per day, the Carrier, at the present time, is
paying two employees the specified rate for this position under the
Job Stabilization Agreement.

        The genesis of this dilemma was the Organization's conten-
tion that Dillon was the proper incumbent of the job on October 1, 1964,
instead of Adkins, to which the Carrier agreed. Subsequently, the
Organization reversed its position and argued that Adkins was the
proper employee. Hence, the Organization now insists that both
employees be protected on the one position.

        It appears to us that Claimant Dillon, the proper incum-
bent of the position, is the only one who is entitled to the protection.

                              Award

        Based on the facts in this case the answer to questions
1 and 2 is in the negative.

                                    Murray M. Rohman
                                    Neutral Member

Dated: Washington, D. C.
       March 7, 1969