

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21969
Docket Number CL-21840

Don Hamilton, Referee

PARTIES TO DISPUTE: ((Brotherhood of Railway, Airline and
(Steamship Clerks, Freight **Handlers,**
(Express and Station **Employes**
(Consolidated Bail Corporation
((Former **Lehigh Valley** Railroad Company)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(**GL-8223**) that:

(a) Carrier violated the **Rules** Agreement, effective May 1, 1955, when it failed to call Ms. Evelyn Gietter for a vacancy on a clerical position at Oak Island **Ramp** on September 16, 1974.

(b) Carrier **now** be required to compensate Ms. Evelyn Gietter for one minimum day at the pro rata rate of the position of which she was deprived.

OPINION OF BOARD: This Division has held that where, as **in** this case, the Local Chairman does not receive a reply from the **Trainmaster**, timely denying the claim, the same must be sustained.

FINDINGS: The Third Division of **the** Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the **Employes involved** in this dispute are respectively Carrier and **Employes** within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was violated.

Award Number 21969
Docket Number CL-21840

Page 2

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 31st day of March 1978.

