

Referee David Dolnick

PARTIES Railroad Yardmasters of America  
TO  
DISPUTE: Seaboard Coast Line Railroad Company

STATEMENT OF CLAIM: Claim and request of Railroad Yardmasters of America that:

Time claims on behalf of Extra Yardmaster R. L. Wilbanks for February 13, 14, 15, 21, 22, March 1, 8, and 15; and Extra Yardmaster R. F. Goldman for February 20, 27, 28 and March 6, 7, 13, and 14, 1975, and each day until condition complained of is corrected.

OPINION OF BOARD: The only violation established in the record before us resulted from Carrier's failure to give the 10 day notice prescribed by Mediation Agreement A-9288 dated February 2, 1973. The record indicates that on February 7, 1975, Carrier gave notice that the involved yardmaster position was abolished effective upon completion of tour of duty on February 10, 1975. Had a 10 day notice been given on February 7, 1975, the abolishment would not have been effective until completion of tour of duty on February 17, 1975.

We have held that the proper measure of damages in such a case is "limited to the period of time which Carrier failed to properly give under the Agreement" (Award 3054-O'Brien) and in the instant case that is the period from February 10 to February 17, 1975. Claim is therefore sustained for the claim dates falling within this period (i.e., February 13, 14 and 15) and claim is denied for all other dates.

## FINDINGS:

The Fourth Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier and the employe involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

The parties to said dispute were given due notice of hearing thereon.

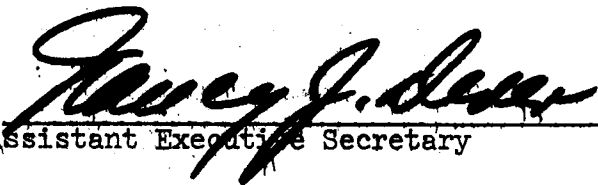
The parties to said dispute waived right of appearance at hearing thereon.

A W A R D

Claim sustained to the extent indicated in the opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Fourth Division

ATTEST; Executive Secretary  
National Railroad Adjustment Board

By:   
Assistant Executive Secretary

Dated at Chicago, Illinois, this 20th day of August 1976.