

The Second Division consisted of the regular members and in addition Referee Nicholas H. Zumas when award was rendered.

Parties to Dispute: (Railway Employees' Department
(A. F. of L. - C. I. O.
((Carmen)
(
(Fruit Growers Express Company

Dispute: Claim of Employees:

1. Under the controlling agreement the Company violated Rules 25 and 35 when they assigned other than employees of Fruit Growers Express Company to perform Carmen's work on February 5, 1973.
2. That accordingly the Company be ordered to compensate D. L. Henderson in the amount of four (4) hours pay at the straight time rate for February 5, 1973.

Findings:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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.

Parties to said dispute waived right of appearance at hearing thereon.

The Organization contends that Carrier violated the applicable provisions of the Agreement between the parties when it assigned other than Carmen to remove and apply the right rear door to the trailer to be pretripped and repaired for loading.

It appears that on February 5, 1973 a Carrier supervisor with the assistance of a forklift truck and operator from the A & P Vacuum Company removed the right rear door from a bad order trailer and applied the door to a trailer to be pretripped and repaired for loading.

The Board finds that this work belonged to Carmen, and that the Agreement was violated. The Board's finding is further supported by the fact that Carrier utilized Claimant to perform identical work just three days before the claim date.

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Award No. 6790
Docket No. 6633
2-FGE-CM-'74

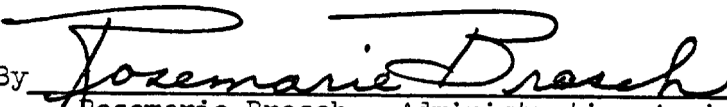
A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 25th day of November, 1974.