



Award No. 4871

Docket No. 4822

2-GN-EW-'66

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Donald F. McMahon when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 101, RAILWAY EMPLOYES'
DEPARTMENT, A. F. of L.-C. I. O. (Electrical Workers)**

GREAT NORTHERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That the current agreement was violated when the Carrier failed to reimburse Electrician G. A. Grecula and Electrician Helper L. E. Meuret for actual expenses incurred while performing service for the Carrier away from assigned headquarters during the months of September and October, 1963.

2. That accordingly, the Carrier be ordered to compensate Electrician G. A. Grecula in the amount of \$10.00, and Electrician Helper L. E. Meuret in the amount of \$10.00.

EMPLOYEES' STATEMENT OF FACTS: The Great Northern Railway Company, hereinafter referred to as the carrier, employes Electrician G. A. Grecula and Electrician Helper L. E. Meuret, hereinafter referred to as the claimants, as electrician and electrician helper respectively on Electrical Crew No. 8 with assigned headquarters at Seattle, Washington.

During the months of September and October 1963, the carrier assigned the claimants to perform duties in line with their classifications away from headquarters at points which included Edmonds, Washington and Everett, Washington.

Claimant Grecula incurred expenses in the amount of \$10.00 for lodging while working at or near Edmonds, Washington.

Claimant Meuret incurred expenses in the amount of \$10.00 for lodging while working at or near Everett, Washington.

This dispute has been handled with all carrier officers designated to handle such matters, all of whom have declined to adjust it.

The agreement dated July 1, 1951, as subsequently amended, is controlling.

employees for the type of fictitious lodging expenses which the claimants are now demanding.

8. But, it would make no difference even if there had been such a practice, for no amount of practice could supersede the clear meaning of the language in question.

For the foregoing reasons, the Carrier respectfully requests that the claim of the employes be denied.

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

The carrier or carriers and the employe or employes 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.

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

The two employes here are Electrician G. A. Grecula and Helper L. E. Meuret. Both are assigned to their positions on System Electrical Crew No. 8, with assigned headquarters at Seattle, Washington. Neither employe maintained his residence at Seattle, where their headquarters were located. The record shows that Mr. Grecula maintained his residence at Edmonds, Washington on a permanent basis, for his family, while Mr. Meuret maintained his permanent residence at Everett, Washington for his family. Both residence locations being within the territory assigned to System Electrical Crew No. 8.

The claims here are similar to those contained in Award No. 4870, this Division, except that the claimants here performed service at the location of their respective residences. Claimants complain that the Carrier has refused to honor their specific claims for Lodging and Meals, while each performed service for the Company at the location of his permanent residence.

The Carrier has denied the claims of the employes for service performed in their residence locations, and takes the position that the employes have offered no proof to show their actual expenditures for lodging and meals as required by Rule No. 10 of the Agreement between the parties. The mere fact that Carrier has in the past allowed some claims does not constitute a custom and practice by Carrier, in view of the strict provisions of the Rule.

For reasons stated the claims are without merit.

AWARD

Claims denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Charles C. McCarthy
Executive Secretary

Dated at Chicago, Illinois, this 3rd day of May 1966.

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