



**Award No. 5006**

**Docket No. 4930**

**2-SP&S-CM-'66**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee Harold M. Weston when award was rendered.

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**PARTIES TO DISPUTE:**

**SYSTEM FEDERATION NO. 7, RAILWAY EMPLOYES'  
DEPARTMENT, AFL-CIO (Carmen)**

**SPOKANE, PORTLAND AND SEATTLE RAILWAY COMPANY  
(System Lines)**

**DISPUTE: CLAIM OF EMPLOYEES:**

1 - That the Carrier violated the controlling Agreement when it used employes of the Northern Pacific Railroad at Patterson, Washington on January 24, 1964, to rerail cars CB&Q 17697 and BO 380983.

2 - That accordingly the Carrier be ordered to pay to carmen, O. Brekke, W. D. Tredway, E. J. Dell, and K. E. Manley, fifteen hours each at pro-rata-rate the time they would have earned had the Carrier not violated the Agreement.

**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 were given due notice of hearing thereon.

This controversy concerns Carrier's use of a Northern Pacific Railway wrecking crew to rerail cars at Paterson, Washington, on January 24, 1964. Claimants are carmen regularly assigned to a wrecking crew at Vancouver, Washington, which lies 170 miles to the west of Paterson.

What we had to say in Award 5005, which passed upon the same basic issue, factual situation and agreement as are now before us, is equally

applicable to the present claim. No valid reason appears for reaching a different result in this case and the claim will be denied.

**AWARD**

Claim denied.

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
By Order of **SECOND DIVISION**

**ATTEST: Charles C. McCarthy**  
Executive Secretary

Dated at Chicago, Illinois, this 9th day of December, 1966.