

Award No. 5993
Docket No. 5836
2-GN-CM-'70

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

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

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 101, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Carmen)**

GREAT NORTHERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That under the current agreement, Carman-Helper John Duetsch was improperly used to temporarily fill the position of Rip Track Foreman James M. Darst, who was absent on date of February 12, 1968.

2. That accordingly, the Carrier be ordered to additionally compensate Freight Carman William Rasmussen the difference between what he earned as a Carman and what he would have earned if assigned to fill the position of Rip Track Foreman James Darst on date of February 12, 1968.

EMPLOYEES' STATEMENT OF FACTS: At its Jackson Street Freight Repair Track, St. Paul, Minnesota, the Great Northern Railway Company, hereinafter referred to as the Carrier, employs Carman-Helper John Duetsch to supervise the Laborers on the Repair Track. When Assistant Car Foreman James Darst was absent on date of February 12, 1968, the carrier assigned Carman-Helper John Duetsch to fill the position of assistant car foreman.

Carman William Rasmussen, hereinafter referred to as the claimant, is regularly assigned as a freight carman Monday through Friday, with rest days of Saturday and Sunday, and was available to fill the position of Assistant Foreman James Darst.

This dispute has been handled with all officers of the carrier designated to handle such disputes, including the highest designated officer of the carrier, all of whom have declined to make satisfactory adjustment.

The Agreement effective September 1, 1949, as subsequently amended, is controlling.

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 question to be determined in this dispute is identical to that in Award No. 5992, and the Board is governed accordingly.

AWARD

The claim is denied.

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

ATTEST: E. A. Killeen
Executive Secretary

Dated at Chicago, Illinois this 24th day of September, 1970.