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Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION

Award No. 6473  
Docket No. 6363  
2-L&A-CM-'73

The Second Division consisted of the regular members and in addition Referee John J. McGovern when award was rendered.

Parties to Dispute: ( System Federation No. 3, Railway Employees'  
( Department, A. F. of L. - C. I. O.  
( (Carmen)  
( Louisiana & Arkansas Railway Company

Dispute: Claim of Employees:

1. That under the controlling agreement as amended, Carmen Joseph J. Picone, R. G. Stouder, Billy J. Bridges and Ronald P. Babin were arbitrarily denied the right to work their regular assignment May 19, 1971.
2. That accordingly, The Louisiana & Arkansas Railway Company be ordered to compensate the above named Carmen in the amount of eight (8) hours each at the pro rata rate for May 19, 1971.

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.

Eleven (11) carmen were employed by Carrier in the repair force on the day shift. Service was partially restored on May 19, 1971. Seven (7) of the eleven carmen were restored to service on May 19, 1971. Claimants were not among the seven.

Therefore, in line with this Board's position as stated in Award Nos. 6411 and 6412, reading:

Award No. 6411:

"This Board must make its position clear, however, in that animus generated by a strike will not be permitted expression in vindictive withholding of work under the open-ended language of this Rule."

Award No. 6473  
Docket No. 6363  
2-L&A-CM-'73

Award No. 6412:

"Although we have no basis for questioning the motivation of the Carrier in this case, we must emphasize that we will not condone the punitive extension of any temporary lay-offs caused by strikes."

We feel from the facts of record and the rules of the controlling agreement, Carrier's action was not unreasonable or contrary to the rules.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:

E. A. Killean

Executive Secretary

Dated at Chicago, Illinois, this 30th day of April, 1973.