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Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 6565
Docket No. 6416
2-C&O-CM-'73

The Second Division consisted of the regular members and in addition Referee Edmund W. Schedler, Jr., when award was rendered.

Parties to Dispute: (System Federation No. 41, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Carmen)
(The Chesapeake and Ohio Railway Company
((Chesapeake District)

Dispute: Claim of Employees:

1. That Freight Car Painter, Conrad Wheats' service rights and rules of the controlling agreement were violated October 6, 1971 account being furloughed while his regular assigned work is being performed by carmen, in violation of Rules 27 and 31.
2. Accordingly, Wheat is entitled to be compensated eight (8) hours each day, five (5) days each week (Monday through Friday) at freight car painters applicable rate, commencing October 6, 1971 and continuing until such date that Wheat is restored to his painter position.

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 employees 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.

This grievance has identical substantive issues as Award No. 6563, and the claim will be denied for the same reasons as given in Award 6563.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

(Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 23rd day of July, 1973.