

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. 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 the senior furloughed bonafide carman, Billie M. Trump was unjustly held from recall to work at Elk Run Junction on October 22, 26, 28, November 4 and 10, 1971, when junior employe, Carman tentative, Dale P. Michaelson was called and utilized for work on said dates in violation of Rules 27 and 27½ of the Shop Crafts Agreement.
2. Accordingly, bonafide carman, Billie M. Trump is entitled to be compensated eight (8) hours at carmen's applicable straight time rate for each date, October 22, 26, 28, November 4 and 10, 1971 in lieu of said violation.

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 facts in this dispute are identical to those in companion Award No. 6784 and need not be repeated.

This dispute concerns the senior carman who was not called to perform the work. The Organization asserts that this was in violation of Rule 27(c) which reads in pertinent part:

"In the restoration of forces senior laid off
employees will be recalled ..."

It is clear from this record that the Organization's reliance
on Rule 27(c) is misplaced. There is no showing that during the
claim period there was a "restoration of forces," and the claim
must be denied.

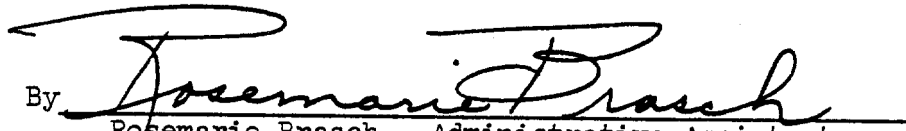
A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 25th day of November, 1974.