

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

Parties to Dispute: (International Association of Machinists
(and Aerospace Workers
(
(Penn Central Transportation Company

Dispute: Claim of Employees:

1. That the Carrier violated the controlling agreement when it failed to apply the provisions of Rule 2-A-1e, fourth paragraph, when it assigned Claimant to the performance of work not ordinarily included in his regular assignment for a period of four (4) hours or more at the location of his regular assignment on April 8, 1971.
2. That the Carrier violated the controlling Agreement on June 30, 1971, when it failed to comply with the provisions of Rule 4-O-1, (A)-(B)-(C) (the provisions of this Rule are in fact, Article V of the National Agreement, dated August 21, 1954), when at the second level of the grievance procedure, the grievance was denied on form letter AW859, which gives no reason in writing.
3. That the Carrier be required to compensate the designated Claimant for three (3) hours pay at the Grade "E" rate for April 8, 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 employee or employees involved in this dispute are respectively carrier and employee 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 Board finds that the Organization has failed to show that Claimant worked more than the required four hours as is required by the February 10, 1965 Agreement between the parties. Having so found, it is unnecessary to make any determination as to whether the work performed was part of Claimant's assigned duties.

As to the procedural question presented, the Board finds that Decision No. 18 of the National Disputes Committee involving Article V of the August 21, 1954 National Agreement supports Carrier's position that the declination was proper under the rule.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 2nd day of September, 1975.