

The Second Division consisted of the regular members and in addition Referee Irwin M. Lieberman when award was rendered.

Parties to Dispute: { System Federation No. 4, Railway Employees'  
{ Department, A. F. of L. - C. I. O.  
{ (Carmen)  
{ Patapsco and Back Rivers Railroad Company

Dispute: Claim of Employees:

1. That the Patapsco & Back Rivers Railroad Company violated the controlling agreement when they improperly assigned Supervisor G. Dettmore to perform carman mechanics' work on an overtime basis on November 6, 9, 17; December 6, 1973; and January 15, 1974.
2. That accordingly the Patapsco & Back Rivers Railroad Company be ordered to compensate Carmen A. Casico, J. Baker and J. Dasch in the amount of eight (8) hours each at the time and one-half rate, and R. Horney in the amount of sixteen (16) hours at the time and one-half rate.

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.

A reading of the record of this dispute reveals that the Claims, as progressed on the property, alleged a violation of the Agreement by certain overtime assignments on November 1, 7, 14, and December 5, 1973 and January 9, 1974. The Claims, as presented to the Board allege violations of the Agreement on November 6, 9, 17, December 6, 1973 and January 15, 1974. It is evident that the Claims submitted to this Board are not the same Claims progressed on the property. We have no alternative but to dismiss the Claims.

Form 1  
Page 2

Award No. 6998  
Docket No. 6820  
2-P&BR-CM-'76

A W A R D

Claims 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 30th day of January, 1976.