

The Second Division consisted of the regular members and in addition Referee Martin I. Rose when award was rendered.

Parties to Dispute: (System Federation No. 2, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Carmen)
(Houston Belt and Terminal Railway Company

Dispute: Claim of Employees:

1. That the Houston Belt & Terminal Railway Company violated the controlling agreement, particularly Rules 10 and 22 and Article V of the Agreement of April 24, 1970, when other than coach cleaners were improperly assigned to perform coach cleaners' work on March 17, 18, 19, 20 and 21, 1974, Houston, Texas.
2. That accordingly, the Houston Belt & Terminal Railway Company be ordered to compensate Coach Cleaners J. D. Browning, E. Young and B. Albert as follows:
 - a) J. D. Browning eight hours (8') at punitive rate for March 17 (first rest day) and eight hours (8') at double time rate for March 18, 1974 (second rest day);
 - b) E. Young eight hours (8') at punitive rate for March 19 (first rest day) and eight hours (8') at double time rate for March 20, 1974 (second rest day);
 - c) B. Albert eight hours (8') at punitive rate for March 21, 1974 (first rest day).

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 claim is predicated on Carrier's assignment of a laborer to perform coach cleaners' work on the claim dates even though the Claimants, regularly assigned coach cleaners whose names appeared on the coach cleaners' overtime board, were available to perform this work.

The claim presents facts, contentions and issues substantially similar to the facts, contentions and issues considered in Second Division Award 7055 which involved the same parties and the same property. We regard that case as controlling on the instant dispute. For the reasons indicated in that case, the claim here must be sustained, and payment of compensation pursuant thereto shall be made at the time and one-half rate.

A W A R D

Claim sustained to the extent indicated in the foregoing Findings.

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 4th day of January, 1977.