

The Second Division consisted of the regular members and in addition Referee Dana E. Eischen when award was rendered.

Parties to Dispute: { System Federation No. 45, Railway Employees'
 { Department, A. F. of L. - C. I. O.
 { (Carmen)
 {
 { St. Louis Southwestern Railway Company

Dispute: Claim of Employees:

1. That on August 1, 1975 the St. Louis Southwestern Railway Company violated the terms of the controlling agreement when it called furloughed Carman F. A. Paxton to repair freight cars WCTR 100528, 100554, 100629, 100649, 100659, 100628 and 100641 at the Pine Bluff Gravity Yard when he was not the senior furloughed carman.
2. That the St. Louis Southwestern Railway Company be ordered to pay Carman J. H. Miller twelve (12) hours' pay at the pro rata rate for August 1, 1975, and that he be made whole for all other lost benefits including Railroad Retirement credits, insurance coverage and vacation credits.

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.

This claim involves the temporary employment of a furloughed carman junior to Claimant, by the Manager of Service Engineering of Freight Master Corporation to assist him the performance of warranty work on several new cars purchased by Carrier. In our recent Award 7521 we decided a companion case which, but for the identity of the Claimants, was on all fours with this case. We refer the reader to Award 7521 and, for reasons set forth fully therein, we likewise deny the instant claim. See also Awards 7495 and 7236.

Form 1
Page 2

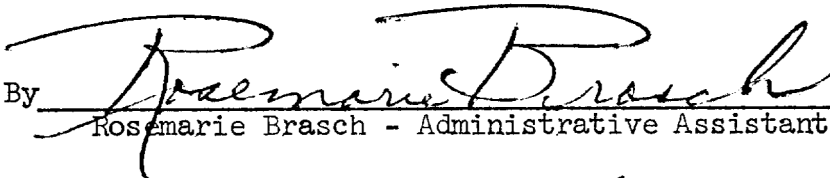
Award No. 7549
Docket No. 7355
2-SLSW-CM-'78

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 16th day of June, 1978.