

The Second Division consisted of the regular members and in addition Referee Robert A. Franden when award was rendered.

Parties to Dispute: ( System Federation No. 2, Railway Employees'  
( Department, A. F. of L. - C. I. O.  
( (Carmen)  
( Missouri Pacific Railroad Company

Dispute: Claim of Employees:

1. That the Missouri Pacific Railroad Company violated the controlling agreement, particularly Rule 120 as amended by the Agreement of November 1, 1973, and Article V of the Agreement of January 12, 1976, when they arbitrarily assigned wrecking work contracted to carmen on the Missouri Pacific Railroad Company to carmen on the Houston Belt & Terminal Railway Company, May 17, 1976, Settegast Yards, Houston, Texas.
2. That accordingly, the Missouri Pacific Railroad Company be ordered to compensate Carman J. E. Culley in the amount of a four hour (4') call for May 17, 1976, as he was available to perform this work.

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 alleges that Carman from the Missouri Pacific have the contractual right to perform re-railing service in Settegast yard, Houston, Texas, a facility which, through past practice and tradition, has been operated by the Houston Belt and Terminal Railroad since 1951.

We have thoroughly reviewed the record in this case and must conclude that this work has been performed by HBLT employees for over 28 years, a long standing past practice, and there is nothing in the record to indicate that Claimants have any contractual right to this work. Consequently, we will deny the claim.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Executive Secretary  
National Railroad Adjustment Board

By   
Raymond B. Busch - Administrative Assistant

Dated at Chicago, Illinois, this 17th day of October, 1978.