

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 Article V of the Agreement of January 12, 1976 and Rule 120, as amended, of the Controlling Agreement when they contracted to another Railroad the work of rerailing diesel units Numbers 1644 and 165 in track 44 of the Missouri Pacific Railroad Company's Settegast Train Yard, Houston, Texas, July 2, 1976.
- (2) That the Missouri Pacific Railroad Company be ordered to compensate Carmen R. Ramos and L. S. Brown in the amount of three (3) hours and fifteen (15) minutes each at the punitive rate and compensate Carmen E. D. Followell, S. Rodriguez, and P. Bernal in the amount of four (4) hours each at the pro rata rate account of this violation.

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.

The facts and issues in this dispute are substantially similar to those presented in Award No. 7685. Therefore, in accordance with the findings in Award No. 7685 this claim will be denied.

A W A R D

Claim denied.

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Award No. 7687
Docket No. 7592-T
2-MP-CM-'78

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By 
Rosemarie Brasen - Administrative Assistant

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