

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

Parties to Dispute: ( International Association of Machinists  
( and Aerospace Workers  
(  
( Missouri Pacific Railroad Company

Dispute: Claim of Employees:

1. That the Missouri Pacific Railroad Company violated the controlling Agreement, particularly Rules 26(a) and 52(a) when they arbitrarily assigned other than the Machinists' Craft to change a tire on forklift truck #30 on January 20 1976.
2. That accordingly, the Missouri Pacific Railroad Company be ordered to compensate Machinist T. E. Burke in the amount of four (4) hours' pay at the punitive rate of pay for a Machinist for January 21 1976 and every time thereafter he is denied the right to change defective tires on lift trucks.

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.

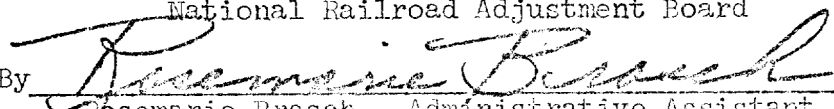
The facts and issues in this dispute are substantially similar to those presented in Award No. 7709. Therefore, in accordance with the findings in Award No. 7709, this claim will be denied.

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 1st day of November, 1978.