

The Second Division consisted of the regular members and in addition Referee James F. Searce when award was rendered.

Parties to Dispute: (System Federation No. 7, Railway Employees'
(Department, A. F. of L. - C. I. O. -
((Electrical Workers)
(
(Burlington Northern Inc.

Dispute: Claim of Employees:

1. That in violation of the Current working agreement, the Burlington Northern, Inc. hereinafter referred to as the Carrier, arbitrarily assigned the operation of cranes at Northtown, Minnesota to employees other than Electrical forces. Claim filed for eight (8) hours compensation at Crane Operators' pro rata rate for each shift, each work day at Northtown, Minnesota. Claim to start with date of October 20, 1975, and to continue until adjusted. Claim filed in behalf of Crane Operators Ronald F. Hessler, Ronald Hartman, Edward Moris, Albert Lind, George F. Robinson, Graham F. Hamacher and Francis C. Ennis, hereinafter referred to as the Claimants and to be equally divided among them. Claim filed account Carriers violation of Rules 13, 27, 76 and 98 of the agreement between the Carrier and System Federation No. 7 effective April 1, 1970.
2. That accordingly the Carrier be ordered to compensate Claimants for the eight (8) hours pay beginning October 20, 1975 and continuing until adjusted and restore the crane positions to them.

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 of this case, including the identical location of this dispute, are strikingly similar to those disposed of in Award 7482 to cause this Board to take specific note of that case. It is a well established procedure that, where cases are of sufficiently similar nature, and the Findings of the precedent case lead to a supportable Award -- one not found to be palpably erroneous -- subsequent cases should follow the same rationale. We find nothing here of sufficient moment to differentiate the two and therefore adopt the rationale and conclusion of Award 7482, adding that, if an inter-craft dispute exists in relation to this case, such differences are not properly the obligation of this Board to resolve.


A W A R D

Claim is 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 28th day of February, 1979.