

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

Parties to Dispute: { Brotherhood Railway Carmen of the United States
and Canada
{ Baltimore and Ohio Railroad Company

Dispute: Claim of Employees:

- No. 1. That under the terms and provisions of the controlling Agreement, Carman, J. L. Stockett, Claimant, Grafton, W. Va., was removed by the Carrier from his position as "relief" assigned wreck crew member, arbitrarily and capriciously, through abolishment of said position, and detained from accompanying the Grafton, W. Va. tool cars to Long Run, W. Va., on the date of January 26 and 27, 1979, and another employee, not shown on list prior to January 3, 1979, called in his place, monetarily damaging claimant to the extent of eight (8) hours pay at the time and one-half rate and seven (7) hours pay at the doubletime rate on the date of January 26 and 27, 1979, claim continuing until resolved.
- No. 2. That the Carrier is in violation of the time limits rule, Article V, TIME LIMIT ON CLAIMS OR GRIEVANCES, effective January 1, 1955.
- No. 3. That the Carrier be ordered to reinstate Claimant Stockett to his original position of "relief" assigned wreck crew member, a position he held prior to the December 4, 1975 Agreement, and that he be compensated accordingly for all time lost account of this violation on the part of the Carrier of the December 4, 1975 Agreement.

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 Employees object to certain Carrier action dealing with extra and/or relief assigned wreck crew members. It is rather obvious, as we review the record, that the Employees tend to equate the "relief" position with the "assigned wrecking crew". Award 8679 of this Division resolved a dispute between these same parties, and there, the Board drew a clear distinction between the two groups of employees.

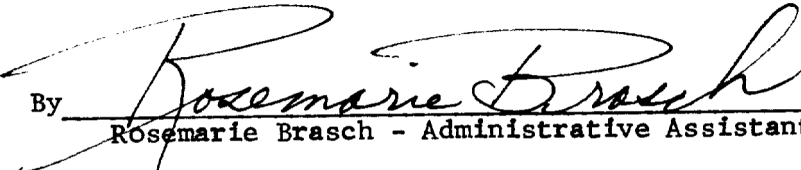
A W A R D

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 6th day of January, 1982.