

The Second Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

Parties to Dispute: ( Brotherhood Railway Carmen of the United States  
( and Canada  
(  
( Southern Pacific Transportation Company

Dispute: Claim of Employees:

1. That the Southern Pacific Transportation Company (Texas and Louisiana Lines) violated the controlling agreement, particularly Rules 117 and 29, when a boilermaker was assigned to perform carmen's work to cut footboard brackets on SP Engine 6645, on February 8, 1979.
2. That accordingly, the Southern Pacific Transportation Company (Texas and Louisiana Lines) be ordered to compensate Carman G. N. Gonzalez in the amount of two hours forty minutes (2'40") as he was available to perform this carmen's work on February 8, 1979.

Findings:

The Second Division of the Adjustment Board, upon the whole record and all the dispute, 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.

On February 8, 1979, at the Houston Running Maintenance Plant, a Boilermaker was assigned to cutting footboard brackets that had been removed by Boilermakers from Locomotive SP 6645. Petitioner filed for two hours and forty minutes of compensation for a Carman, G. N. Gonzalez. Petitioner alleges that the work performed by the Boilermaker should have been assigned to and performed by a Carman.

Both the Boilermaker's Organization and Carrier refute this allegation and argue that this claim should be denied or dismissed. A careful review of the record of this case reveals that neither the Carmen or the Boilermakers have proved exclusivity in regard to the work involved in this dispute and, consequently, Carrier is not obligated to pay a claim in this instance.

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Award No. 9131  
Docket No. 8921-T  
2-SPT-CM-'82

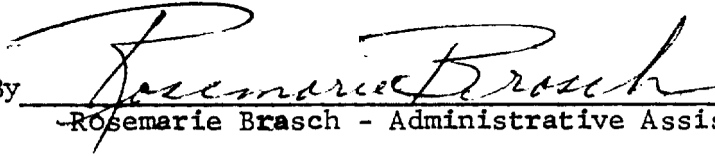
A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Acting Executive Secretary  
National Railroad Adjustment Board

By

  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 16th day of June, 1982.