

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

Parties to Dispute: { International Association of Machinists and  
                                  { Aerospace Workers  
                                  { Consolidated Rail Corporation

Dispute: Claim of Employees:

1. The Consolidated Rail Corporation violated Rule 2-A-4.
2. That machinists J. O'Leary, E. Marshall, A. Mauer and J. H. DeRouville be compensated 3 hours pay each, at the prevailing machinists rate of pay for the Carriers violation of rule 2-A-4 of the controlling Agreement effective May 1, 1979.

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.

This case involves two (2) separate claims on behalf of four (4) individual Claimants for pay under Rule 2-A-4 concerning their movement from duties or their regular assignment to other work which the Organization asserts was not comprehended in the regular assignment. The Carrier raises a procedural objection over the movement of this case to this Board for review.

This Board disposes of this dispute in favor of the Claimants. We find the procedural argument falls short of a sufficient showing to bar consideration of the merits and we conclude that the work involved was not duties comprehended in the Claimants' regular duties. Compensation shall be in accordance with Rule 2-A-4(b).

A W A R D

Claim sustained.

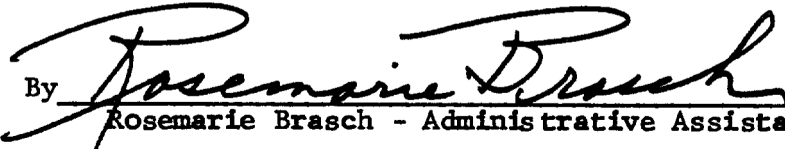
Form 1  
Page 2

Award No. 9422  
Docket No. 9417  
2-CR-MA-'83

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 March, 1983.