

The Second Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

Parties to Dispute: (International Brotherhood of Firemen and Oilers
(Clinchfield Railroad Company

Dispute: Claim of Employees:

1. That the Clinchfield Railroad Company violated the Controlling Agreement, particularly Rule 1 Scope, when wrecker car attendant Laborer Buford Rogers, Erwin, Tennessee, was not called for wrecking service account of other employees used as wrecker attendant on the following dates: April 17, 1978; April 18, 1978; June 3, 1978; May 13, 1978; May 14, 1978; May 27, 1978 and May 28, 1978.

2. That accordingly the Clinchfield Railroad Company be ordered to compensate Laborer Buford Rogers in the amount of fifty-two (52) hours at punitive rate of pay for April 17, 1978; April 18, 1978; June 3, 1978; May 13, 1978; May 14, 1978; May 27, 1978 and May 28, 1978.

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 employees involved in this dispute are respectively carrier and employes 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 Brotherhood Railway Carmen of the United States and Canada and the Brotherhood of Maintenance of Way Employees were notified of this claim as possible parties at interest but determined not to intervene.

Except as to dates, the Board finds the facts and arguments in this claim identical to those in Award No. 9754 and accordingly reaches the same conclusion.

Form 1
Page 2

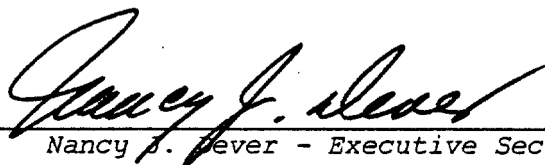
Award No. 9756
Docket No. 8931-T
2-CLINCH-FO-'84

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST:


Nancy J. Lever - Executive Secretary

Dated at Chicago, Illinois this 11th day of January, 1984