

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

(The Brotherhood Railway Carmen of the
(of the United States and Canada
Parties to Dispute: (A.F.L.-C.I.O.
(
(Burlington Northern, Inc.

Dispute: Claim of Employees:

1. That the Burlington Northern, Inc. violated Rule 30 of our Current Agreement when they assigned other than carmen to couple air hoses, administer mechanical inspection and test air brakes on interchange trains made up at their Rice's Point Yard in Duluth and delivered to the D.M. & I.R. Railroad at Endion Station.

2. That accordingly, the Burlington Northern, Inc. compensate Superior Carman Jack Feran, Gerald Flatt and Ben Ostroviak in the amount of four (4) hours at the straight time rate for the following dates:
December 13, 17, 18, 19, 21, 26, 27, 28, 31, 1979 and January 2, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29, 30 and 31, 1980.

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 Organization in the instant case contends that Carrier allows Switchmen to do the work of Carmen at the Rice Point Yard in Duluth when cars are being delivered to the D.M.&I.R. at Endion Station. Carrier does not deny that it allowed the yard crew to couple air hoses and make air brake tests as needed. Carrier contends, however, that the car movements involved here are yard movements and not train departures from a departure yard or terminal.

A review of the record before us persuades this Board that the movements in question were yard movements and that, as such, we look to Second Division Award 6671 (Referee Lieberman) for guidance. We denied that claim. Our reasoning in that claim, as well as in numerous other claims cited therein, is applicable in this case.

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Award No. 9782
Docket No. 9312-T
2-BN-CM-'84

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:



Nancy J. Peyer - Executive Secretary

Dated at Chicago, Illinois, this 15th day of February, 1984