

The Second Division consisted of the regular members and in addition Referee Gilbert H. Vernon when award was rendered.

Parties to Dispute: (Int'l. Brotherhood of Firemen and Oilers
(System Council No. 44, AFL-CIO
(
(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: February 6, 1980; February 7, 1980 and February 8, 1980.
2. That accordingly the Clinchfield Railroad Company be ordered to compensate Laborer Buford Rogers in the amount of twenty-five (25) hours at the punitive rate of pay for February 6, 1980; February 7, 1980 and February 8, 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 employee or employees involved in this dispute are respectively carrier and employees 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 is a companion case to Award No. 9876 and Award Nos. 8270, 9755 and 9754. Our decision in Award No. 9876 adequately laid out the background of this dispute as it related to our lead Award in No. 8270.

In this case, as in Award No. 9876, none of the disputed work was performed by supervisors or employees of other Carriers. Therefore, based on the principles laid out in Award 8270 and in view of our Findings in Awards 9754, 9755 and 9075, the claim is denied.

A W A R D

Claim denied.

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Award No. 9877
Docket No. 9104
2-CRR-FO-'84

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 9th day of May, 1984