

The Second Division consisted of the regular members and in addition Referee Paul C. Carter when award was rendered.

Parties to Dispute: ( Brotherhood Railway Carmen of the United States  
( and Canada  
( Norfolk and Western Railway Company

Dispute: Claim of Employees:

1. That the Norfolk and Western Railway Company violated Rules 32, 124 and 125 of the October 1, 1952 controlling Agreement when Carman R. Maxfield was called for wreck service while on his assigned vacation on August 2 and 3, 1982.

2. That the Norfolk and Western Railway Company be ordered to compensate regularly assigned wreck crew Carman A. B. Contos in the amount of thirty-one (31) hours at the punitive rate of pay for August 2 and 3, 1982.

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 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 claim herein is on behalf of a Carman because he was not called for wreck service on August 2 and 3, 1982. The dispute arose on the former New York, Chicago and St. Louis Railroad, now a part of the Norfolk and Western Railway Company.

In the handling of the dispute on the property and in submission to this Board, the Organization alleged that the Carrier violated Rules 32, 124 and 125 of the applicable Agreement. The rules were set forth in the on-property handling and in the submissions. They will not be repeated here.

The Carrier states that the wrecking crew consisted of one cook, one engineer and six groundmen. The claim arose because Claimant was not called as cook.

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We have studied the rules relied upon by the Organization and find no proof of violation of any of them. Further, Carrier contended on the property and before the Board that Claimant was not qualified as a cook. No proof has been submitted that Claimant was a qualified cook.

The claim will be denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:

  
Nancy J. Bever - Executive Secretary

Dated at Chicago, Illinois, this 30th day of October 1985.