

The Second Division consisted of the regular members and in addition Referee Robert W. McAllister when award was rendered.

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

Dispute: Claim of Employees:

1. The Chicago and North Western Transportation Company failed to call Carman M. A. Harrison for wrecking assignment at derailment at Hampton, Iowa on July 26 and 27, 1983.

2. That the Chicago and North Western Transportation Company be ordered to compensate Carman M. A. Harrison in the amount of seven (7) hours at the overtime rate of pay, plus premium pay and sixteen (16) hours at premium pay account of his not being called for wrecking assignment on July 26 and 27, 1983.

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.

This is a Claim on behalf of a Carman who, the Organization asserts, was the senior, qualified wrecking Carman assigned as a Wrecking Engineer and Groundman for the Pettibone Rerailer at Marshalltown, Iowa. A derailment occurred at Hampton, Iowa, on July 26 and 27, 1983. The Carrier called a Carman junior to the Claimant to operate the Pettibone Rerailer. The Carrier denied the Claim on the basis the Claimant was not assigned to the wrecker at Marshalltown, but was assigned to the Pettibone Rerailer and to the Rip track.

The record establishes the Claimant was awarded Job 003, Wrecker Engineer and Groundman, Pettibone Rerailer, effective July 17, 1983. The Carrier, in its Submission, raises an availability argument. This was not argued on the property nor was the July 17, 1983, job award responded to by the Carrier. Accordingly, we will sustain the Claim to the extent the record establishes the Claimant was assigned to the wrecking crew and was senior to the Carman called. In view of the fact the Claimant was working, this Award is limited to the difference in the rates of pay for the hours in question.

A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 10th day of September 1986.