

The Second Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

(Brotherhood Railway Carmen of the United States
(and Canada

Parties to dispute: (
(Norfolk and Western Railway Company

Dispute: Claim of Employees:

1. That the Norfolk and Western Railroad Company violated Rule Nos. 17, 31, 103 and 118 of the Current Agreement, when on May 2, 3, 4, 5, and 6, 1983 they filled a Derrick Engineers job with a carman and left him working at the Carmans trade for one (1) week.

2. That because of such violation, the Norfolk and Western Railway Company be ordered to compensate Carman P. C. Geordon five (5) days at 8 hours per day at the pro rata rate of pay for May 2, 3, 4, 5, and 6, 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 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.

In this case, the occupant of the appointed position of Derrick Engineer commenced a one week vacation beginning May 2, 1983. A Carman, who had been assigned the second shift and who was working Tuesday through Saturday was moved to the Derrick Engineer's first shift, Monday through Friday. The Carrier states and the Organization denies that this was done on a voluntary basis.

In any event, we conclude that the evidence shows that the Carman did stand in place for a call on the wreck car after he had changed to the same shift and days of work as the Derrick Engineer, who was on vacation.

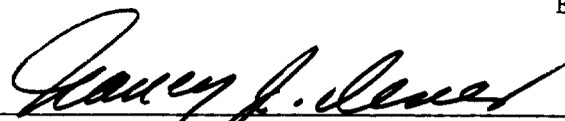
Accordingly, we will sustain Part I of the Claim and, given the particular circumstances here, which show no monetary loss to the Claimant, we will deny Part II of the Claim.

A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:



Nancy J. Dwyer - Executive Secretary

Dated at Chicago, Illinois, this 26th day of August 1987.