

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

(Brotherhood Railway Carman of the United States
(and Canada

Parties to Dispute: (

(Chicago and North Western Transportation Company

1. Carmen A. Shank, J. Comer, Jr., M. Wood, R. Rollins, B. Cole, K. Lawrence and D. Onder were deprived of work and wages to which entitled when the Chicago and North Western Transportation Company violated the controlling agreement when it improperly assigned train crews to perform Carmen's work of coupling air hoses and making terminal air brake tests on May 5, 12, 17, 18, 26, 27 and 31, 1984 and June 1 and 3, 1984.

2. The Chicago and North Western Transportation Company failed to comply with Article V 1(a) of the August 21, 1954 Agreement when the Assistant Vice President and Division Manager failed to respond to the Local Chairman's claim dated June 4, 1984.

3. That the Chicago and North Western Transportation Company be ordered to compensate Carmen Claimants as follows:

A. Shank	May 5, 1984
J. Comer, Jr.	May 12, 1984
M. Wood	May 17, 18, and 31, 1984
	June 1, 1984
R. Rollins	May 26, 1984
B. Cole	May 27, 1984
K. Lawrence	May 31, 1984
D. Onder	June 3, 1984

Claim is made for two (2) hours and forty (40) minutes at the time and one-half rate of pay for the above listed dates.

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.

As Third Party in interest, the United Transportation Union was advised of the pendency of this case, but chose not to intervene in this dispute.

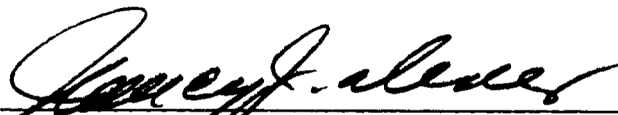
The Carrier violated Article VI(a) of the August 21, 1954 Agreement because the Division Manager failed to notify the Organization within sixty (60) days from the date the Claim was filed. Accordingly, pursuant to Article VI(a), "the claim *** shall be allowed as presented ***."

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois this 4th day of November 1987.