

The Second Division consisted of the regular members and in addition Referee George S. Roukis when award was rendered.

(Brotherhood Railway Carmen of the United States
(and Canada

Parties to Dispute: (

(Missouri Pacific Railroad Company

Dispute: Claim of Employees:

1. That the Missouri Pacific Railroad Company violated Rules 24, 25 and 102 February 24, 1984, when they used Carmen from Fort Worth, Texas, to inspect and repair freight car UP361181 at Durant, Oklahoma.

2. That the Missouri Pacific Railroad Company be ordered to compensate Carmen R. L. Greb and L. W. Branan in the amount of thirteen (13) hours each at the punitive rate account of this violation.

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 dispute, which is a companion case to Second Division Award 11399 and wherein the adjudicative question is exactly the same as that Award, the Board must conclude that neither Rules 24, 25 and 102 of the controlling Agreement nor the Coordinative provision of the Agreement of December 16, 1970 were violated when Carmen from Fort Worth, Texas were used to inspect and repair freight car UP361181 at Durant, Oklahoma on February 24, 1984.

We have carefully reviewed the documentary record to determine whether this case is inherently distinguishable from Second Division Award 11399, but we find no evidence or even an indication that would warrant a different assessment. As we have noted in that Award, the consummation of the September 16, 1981, Agreement cancelled the former labor Agreement on the Texas and Pacific Railroad and placed all Carmen under the Missouri Pacific


Agreement. From that point on, one railroad was in existence and the latter Agreement applied to the newly consolidated system. In effect, the Missouri Pacific Agreement superseded all prior agreements on the Texas and Pacific.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 6th day of January 1988.