

The Second Division consisted of the regular members and in addition Referee Peter R. Meyers when award was rendered.

(Brotherhood Railway Carmen of the United States
(and Canada
PARTIES TO DISPUTE: (
(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM:

1. That the Atchison, Topeka and Santa Fe Railway Company erroneously and improperly instructed and/or allowed other than Carmen to couple air hoses incidental to inspection and the testing of air brakes between the hours of 3:00 p.m. to 11:00 p.m. since April 19, 1983, at Gainesville, Texas, thereby violating Article V of Appendix No. 7, as subsequently amended by Article VI of the December 4, 1975 Agreement, when the second shift car inspector jobs were abolished.

2. That accordingly, the Carrier be ordered to additionally compensate O. D. Hassell, or the lowest man on the second shift overtime board and continuing in rotation, and be additionally compensated in the amount of four (4) hours for each day at their applicable hourly rate of pay for each day retroactive to April 19, 1983 and to continue until correction and payment have been made.

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 dispute and did not file a Submission with the Division.

Claimant was employed by Carrier, at Gainesville, Texas, until April 19, 1983, when Carrier abolished all car inspector positions at that facility.

After the car inspector positions were abolished, Carrier instructed trainmen to couple air hoses, inspect, and make air tests on their trains at Gainesville. The Organization filed a time claim on Claimant's behalf, asserting that this is carmen's work.

This Board has reviewed the evidence in this case, and we find that there is no showing that the Organization requested a joint check to determine if there was sufficient work to justify employing a Carman. Hence, in accordance with our previous rulings, as set forth in Second Division Awards 10242 and 10742, this claim must be denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Decker - Executive Secretary

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