

The Second Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

PARTIES TO DISPUTE: (Brotherhood Railway Carmen/ A Division of TCU
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(Duluth, Missabe and Iron Range Railway Company

STATEMENT OF CLAIM:

1. That the Duluth, Missabe and Iron Range Railway Company violated the terms of our current Agreement, particularly Rules 29(a), 57 and Supplement No. 3, Article V, when they arbitrarily assigned other than carmen to perform inspection, air testing and related coupling of air brake hoses on trains departing Keenan Yard.

2. That accordingly, the Duluth, Missabe and Iron Range Railway Company be ordered to compensate the below listed carmen in the amounts and for the dates shown:

D. J. Wayt

1-19-87	Fairlane	4 hours
1-20-87	Virginia	4 hours
1-21-87	Wilpen	4 hours
1-22-87	Fairlane	4 hours
1-23-87	Virginia	4 hours
1-27-87	Fairlane	4 hours

T. P. Garro

1-28-87	Virginia	4 hours
1-29-87	Chisolm	4 hours
1-30-87	Virginia	4 hours
1-31-87	Virginia	4 hours
2-02-87	Fairlane	4 hours
2-03-87	Virginia	4 hours

P. E. Kinney

2-04-87	Minorca	4 hours
2-05-87	Fairlane	4 hours
2-06-87	Fairlane	4 hours
2-08-87	Fairlane	4 hours
2-09-87	Hibbing	4 hours
2-10-87	Fairlane	4 hours

V. D. Willow

2-11-87	Fairlane	4 hours
2-12-87	Fairlane	4 hours
2-13-87	Virginia	4 hours
2-14-87	Fairlane	4 hours
2-16-87	Virginia	4 hours
2-17-87	Fairlane	4 hours

R. G. Tormondsen

2-19-87	Fairlane	4 hours
2-20-87	Minorca	4 hours
2-21-87	Fairlane	4 hours
2-22-87	Fairlane	4 hours
2-24-87	Hibbing	4 hours
2-25-87	Virginia	4 hours
2-26-87	Virginia	4 hours

All above at straight time rate.

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 but did not file a Submission with the Division.


The Claims in this Docket are for 31 four-hour calls during January and February 1987, on behalf of 5 senior furloughed Carmen, because Trainmen coupled air hoses on various cars which they were delivering in a departure from Keenan Yard to various points on the Iron Range.

The issues involved are not new to this Board. On a number of occasions in the past we have had occasion to decide similar cases on this and other carriers. In two Awards dealing with these parties, (Second Division Awards 11493 and 11445) we concluded that it was not a violation of the Carmen's Agreement when Trainmen coupled air hoses and made brake tests in circumstances similar to those under review here. We do not find these Awards to be in palpable error and they will be followed here.

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 1st day of August 1990.