

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12030
Docket No. 12010
91-2-90-2-125

The Second Division consisted of the regular members and in addition Referee Joseph A. Sickles when award was rendered.

PARTIES TO DISPUTE: ((Brotherhood Railway Carmen/Division of TCU
(Southern Pacific Transportation Company (Western Lines)

STATEMENT OF CLAIM:

1. That the Carrier violated the terms of the controlling agreement between the Southern Pacific Company and the Organization, Rule 15, when the Carrier failed to compensate Carman J. H. Pope the appropriate compensation on May 3 and June 19, 1989.

2. Accordingly, the Carrier be ordered to comply with the provisions of the Agreement, making the Claimant whole for his losses.

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 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.

This dispute concerns the same Carrier, same Organization and the same Claimant as decided this same date and contained in Second Division Award 12029.

Here, the Claimant had performed work on a derailment on April 28, 1989, and returned to that site to perform regular repair work on May 3, 1989. In addition, he performed work on a derailment on June 16, 1989, but returned to the same site to perform regular work on June 19, 1989.

To be sure, the time elapsed between the work on the derailment and the return to perform normal road work was much shorter than the time span in Award 12029, but that time element in and of itself does not convert this dispute into a different result than announced in that case.

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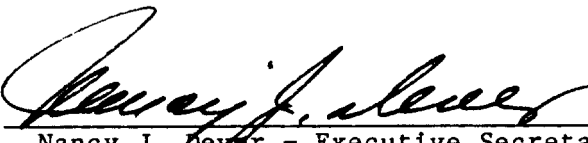
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A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Deyer - Executive Secretary

Dated at Chicago, Illinois, this 13th day of March 1991.