

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

PARTIES TO DISPUTE: (International Brotherhood of Electrical Workers
(Burlington Northern Railroad Company

STATEMENT OF CLAIM:

1. That in violation of the current Agreement, Rules 26 and 48 in particular, the Burlington Northern Railroad Company arbitrarily assigned Communications Department Electronic Technicians to perform work which should have been performed by a Communications Department Cable Splicer, Class 1-C. The violation occurred on September 16, 1988 through September 29, 1988.

2. That accordingly the Burlington Northern Railroad Company be ordered to compensate Shop Equipment Repairman J. P. Ehlers, who is headquartered at Seattle, Washington in the amount of 160 hours at the punitive rate of pay for a Cable Splicer, Class 1-C in which Class the Claimant holds seniority.

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.

The Board has carefully reviewed the record and finds that the Claim must be dismissed without giving consideration to the merits of this dispute. The Organization's original Claim requested payment for 160 hours at the overtime rate. However, during the appeal proceedings, the Claim was amended to include a Claim for three days in addition to the 160 hours in the original Claim.

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91-2-90-2-106


Given this state of the record, we must conclude that there is a substantial variance between the original and the amended Claims. Accordingly, the Claim is procedurally defective because it violates Section 3, First (i) of the Railway Labor Act.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 5th day of June 1991.