

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12391
Docket No. 12102
92-2-90-2-204

The Second Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

PARTIES TO DISPUTE: ((Brotherhood Railway Carmen/Division of TCU
(CSX Transportation, Inc.
(Chesapeake and Ohio Railway Company)

STATEMENT OF CLAIM:

1. That the Chesapeake & Ohio Railroad Company (CSX Transportation, Inc.) (hereinafter "carrier") violated Rule 11 of the Shop Crafts Agreement between Transportation Communications International Union - Carmen's Division and the Chesapeake & Ohio Railroad Company (CSX Transportation, Inc.) (revised June 1, 1969) on April 11, 12, 13, 14, 15 and 18, 1988 when the carrier failed to call Paul E. Smith (hereinafter "claimant") for overtime when the carrier failed to utilize the overtime board for this overtime work.

2. Accordingly, the claimant is entitled to be compensated for thirty-six (36) hours pay at the applicable overtime rate for the carrier's violation of the aforementioned Agreement Rule.

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.

Except as to Claimant and dates, this Claim is virtually identical to that reviewed in Second Division Award 12390, and the Board reaches the same conclusion.

A W A R D

Claim denied.

Form 1
Page 2

Award No. 12391
Docket No. 12102
92-2-90-2-204

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 15th day of July 1992.