

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION

Award No. 12392  
Docket No. 12103  
92-2-90-2-205

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 referred to as "carrier") violated the service rights of T.V.R. Carman Jack N. Armstrong (hereinafter referred to as "claimant") and the provisions of Rule 11 of the Controlling Agreement when on April 4, 5, 6, 7, 11, 12, 13, and 14, 1988 the carrier did not ask the claimant to work overtime while working a junior employee in violation of the aforementioned Agreement Rule.

2. Accordingly, the claimant is entitled to be compensated for eight (8) days, six (6) hours each day on April 4, 5, 6, 7, 11, 12, 13 and 14, 1988 at the applicable Carmen's time and one-half rate for said violation.

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 similar to that reviewed in Second Division Award 12390. One difference is that there is a dispute between the parties as to whether the Claimant was or was not asked to work overtime on specified dates. Regardless of which may be the case, the Board finds that its conclusion in Award 12390 is applicable here.

A W A R D

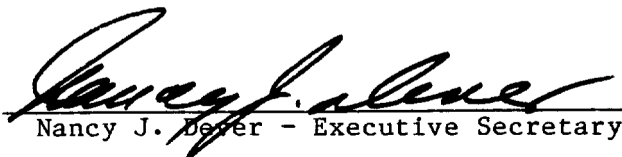
Claim denied.

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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.