

(CORRECTED)

**NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION**

Form 1

Award No. 12788  
Docket No. 12781  
94-2-93-2-166

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

**PARTIES TO DISPUTE:** (Brotherhood of Railway Carmen Division/  
(Transportation Communications  
( International Union  
(  
(Elgin, Joliet and Eastern Ry. Co.

**STATEMENT OF CLAIM:**

- "1. That the Elgin, Joliet and Eastern Railway Company violated the current Working Agreement, when it failed to properly compensate carmen M. Mejia, M. Lopez, G. Castillo, T. Orasco, C. Numes, M. Moholick, M. Stainback, J. Stevens, C. Highfill, P. Lopez, L. Lee, J. Gabriel, R. Burroughs, E. Franzen, D. Hulbert, A. Disalvo, P.C. Attaway, G. Sweetwood, H. Smith, G. Kennedy, E. Johnson, T. Stainback, all at the current pro rata rate of pay for June 25 & 26, 1992 affected by the National Freight Lock-Out.
2. That the Elgin, Joliet and Eastern Railway Company be ordered to compensate all carmen in above item one (1) who were not properly paid on July 9, 1992, in an amount equal to what such employees would have earned had they not been prohibited by the Elgin, Joliet and Eastern Railway Company from performing regular Carmens work, who all were available, qualified and willing to work.
3. Proper payment, as outlined above will also restore any and all benefits which would have normally been provided.

**FINDINGS:**

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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.

Although certain of the factual allegations vary, our review of the record in this case demonstrates that the same issues are presented here that were presented in Second Division Award 12787.

Our Award in that case, issued this date, is equally applicable here and forms the basis for a denial Award.

**A W A R D**

Claim denied.

**O R D E R**

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Dated at Chicago, Illinois this 17 day of November, 1994.