

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISIONAward No. 12864
Docket No. 12586
95-2-92-2-115

The Second Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

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

STATEMENT OF CLAIM:

- "1. That the Chesapeake and Ohio Railway Company, CSX Transportation, Inc., (hereinafter referred to as 'Carrier'), violated the controlling Shop Crafts Agreement, specifically Rule 27, when the Carrier improperly furloughed Carmen K. L. Eskew, R. A. Coburn, R. W. Mullins, D. L. Criswell, E. L. Loudermilk, L. R. Koster, J. G. Burt, L. L. Smith, A. C. Owens, and D. R. Wood.
2. Accordingly, Carmen K. L. Eskew, R. A. Coburn, R. W. Mullins, D. L. Criswell, E. L. Loudermilk, L. R. Koster, J. G. Burt, L. L. Smith, A. C. Owens, and D. R. Wood are entitled to be recalled to service and be compensated for all wages lost incurred by them at the applicable Carmen's rate."

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.

The crux of the Organization's claim before this Board is that Rule 27 of its Agreement was violated when Carrier worked Carmen overtime at Newport News, Virginia, at times when Claimants were furloughed. Rule 27 is basically a standard Shop Craft force reduction Rule. There is absolutely no language in the Rule which prohibits Carrier from utilizing active employees on overtime while other employees may be furloughed. In fact overtime is not mentioned in the Rule.

The claim is without merit.

AWARD

Claim denied.

ORDER

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 17th day of April 1995.