

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISIONAward No. 12922
Docket No. 12815
95-2-93-2-197

The Second Division consisted of the regular members and in addition Referee Robert E. Peterson when award was rendered.

PARTIES TO DISPUTE: (International Brotherhood of Firemen
(and Oilers
(
(CSX Transportation, Inc. (former Chesapeake
(and Ohio Railway Company)

STATEMENT OF CLAIM:

- "1. That under the current and controlling agreement the Firemen & Oilers working at Huntington Locomotive Shop on the load box positions supporting the 'Standard Line' have been denied proper compensation since June 15, 1992.
2. That accordingly, we are requesting (20) minutes pay at time and one-half rate for all the Firemen & Oilers at the Huntington Shop who were not allowed the paid lunch since June 15. We are requesting that the 1st and 2nd shifts be a paid lunch as per Rule 4."

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.

This dispute involves the same parties, the same Claimants, and the same issue as in Second Division Award 12921 before this Board, except that it is here more specifically claimed that because two Laborers assigned to the standard line inspection operation which the Carrier established on June 15, 1992, are directed on occasion to wash locomotives at the Load Box area of the Huntington (West Virginia) Locomotive Shop, that all Laborers at the Huntington Shop therefore be recognized as covered by Rule 4(c) in the establishment of a three-shift operation, and thereby entitled to a 20 minute paid lunch period.

In keeping with past Awards of the Board which have held that the progression of duplicate claims or grievances covering a like matter is inconsistent with the intent of the Railway Labor Act in providing for the prompt and orderly settlement of disputes growing out of the interpretation or application of agreements covering rates of pay or working conditions, the claim will be dismissed. (See Second Division Awards 12343, 11999 and 11394, and the Awards cited therein.)

AWARD

Claim dismissed.

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 16th day of August 1995.