

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13227
Docket No. 13094
98-2-95-2-121

The Second Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

**(Brotherhood Railway Carmen, Division of
(Transportation Communications International Union**
PARTIES TO DISPUTE: (
(Springfield Terminal Railway Company

STATEMENT OF CLAIM:

“Claim of the Committee of the Union that:

- 1. That the Springfield Terminal Railway Company, hereinafter the ‘Carrier’ violated the terms of Rule 8 and supplemented by October 23, 1992 letter (Distribution of Overtime) of the current controlling agreement, at East Deerfield, MA when they failed, in two (2) separate instances to advise the local committee to designate qualified employees to the assignment of overtime as provided by the above noted rule and side letter. Instead, assigning other employees to work known and obvious overtime.**
- 2. That, accordingly, the Springfield Terminal Railway Company be ordered to compensate, Carman Herman O. Dufrense, hereinafter ‘Claimant’ five (5) hours at the overtime rate for work performed on July 19, 1994, seven (7) hours at the overtime rate for work performed on July 21, 1994.”**

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 were given due notice of hearing thereon.

The essential facts and circumstances in this claim are the same as those set forth in Second Division Award 13226 except this claim involves a different Claimant and only two claim dates (July 19 and 21, 1994).

The Board finds here, as we found in Award 13226 and for the same reasons, that the claim must be denied.

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 30th day of March 1998.