

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13309
Docket No. 13134
98-2-96-2-9

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

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

STATEMENT OF CLAIM:

- "1. That the Chesapeake and Ohio Railroad Company (CSX Transportation, Inc., (hereinafter referred to as 'Carrier') violated the controlling Shop Crafts Agreement specifically Rule 11 when the carrier assigned shop employee Carman L. R. Shirkey to work overtime on transportation yard at Columbus, Ohio, when members of the transportation yard overtime board were available, willing and qualified to perform that work.
2. Accordingly, the carrier be ordered to additionally compensate carman R. L. Perry (sic), (hereinafter referred to as 'claimant') for eight (8) hours pay at the applicable overtime 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 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 in this claim are the same as those contained in Second Division Award 13303. For the same reasons we find here, as we did there, 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 6th day of August 1998.