

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION**

Award No. 13379

Docket No. 13257

99-2-97-2-25

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

**(Brotherhood Railway Carmen, Division of  
( Transportation Communications International Union**  
**PARTIES TO DISPUTE: (**  
**(Delaware & Hudson Railway Company, Inc.**

**STATEMENT OF CLAIM:**

**“Claim of the Committee of the Union that:**

- 1. That the Delaware and Hudson Railway Company (Division of CP Rail) violated the terms of our current agreement, in particular Rule 43.2, when on April 23, 1996, the Carrier assigned other than carmen, the work of performing the mechanical inspection of air brakes, the coupling of hoses and the air brake test of five (5) cars on train BH-1 at Binghamton NY departure yard.**
- 2. That accordingly, the Delaware and Hudson Railway Company be ordered to compensate Carman David Colone in the amount of two and seven tenths (2.7) hours at the overtime rate for the violation of the current agreement. Furthermore, return this work to the carman craft as provided for and set forth in our collective agreement.”**

**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 facts and applicable Rules in this case are essentially identical to Second Division Award 12997 previously decided by the Board and involving the same Parties. There is no material change in facts or circumstances in the instant case. Accordingly, the Board reiterates its denial decision in the preceding case.**

**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 12th day of April 1999.**