

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13438

Docket No. 13361

99-2-98-2-49

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

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

STATEMENT OF CLAIM:

“Claim of the Committee of the Union that:

- 1. That the Chesapeake and Ohio Railroad Company (CSX Transportation, Inc, hereinafter referred to as carrier) violated the controlling Shop Crafts Agreement specifically Rule 32(a) and 154(a), when on November 7, 8, & 9, 1996, other than Carmen were assigned to perform work reserved exclusively for Carmen.**
- 2. Accordingly, the Carrier be instructed to compensate Carman M. H. Ford ID #627232, C. E. Johnston ID #623192, and G. E. McCulley ID #72046 ten (10) hours each at Carman’s rate and one half for the 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.

This is a companion case to Second Division Award 13437. The Claimants, who have point seniority restricted to Clifton Forge, claim that the work done on privately owned cars by personnel of the owner's choice at Covington was done in violation of the Agreement. In this dispute, the Organization argues that when the outside concern's personnel were checking for and, when necessary, repairing rupture discs and/or safety valves, they were inspecting and maintaining cars regardless of what they were inspecting them for. It argues that its members have the exclusive right to perform such work.

This claim is denied for the same reasons set forth in Second Division Award 13437.

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 16th day of June 1999.