

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13553

Docket No. 13450

00-2-99-2-53

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

**(Brotherhood Railway Carmen Division
(Transportation Communication International Union**
PARTIES TO DISPUTE: (
(CSX Transportation, Inc. (former Baltimore and Ohio
(Railroad Company)

STATEMENT OF CLAIM:

“Claim of the Committee of the Union that:

1. That the Carrier did violate Rule 142 and 142 ½ of the Agreement when they failed to call Carmen for a yard derailment and employed an outside contractor with its ground forces to perform Carmen work within the yard limits.
2. That the Carrier be ordered to pay Claimants: L. Whitson, W. Kincer, K. Thomas, J. Allen, C. Baker and J. Winebrenner five (5) and one half (½) hours time and one-half Carmen rate of pay for this willful 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 facts in this case are identical to those contained in Second Division Award 13552. The only difference being six Claimants instead of four, five and one-half hours claimed in lieu of four, and four cars derailed rather than just one.

The Organization advanced the same arguments in pursuing this violation, and the Carrier mounted the same defense. This claim is denied for the same reasons set forth in Second Division Awards 13552, 13528, 13424 and 8361.

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 29th day of September, 2000.