

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION**

Award No. 13571

Docket No. 13395

00-2-98-2-83

The Second Division consisted of the regular members and in addition Referee Margo R. Newman when award was rendered.

**(Brotherhood Railway Carmen Division  
( 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 violated the terms of our current agreement, in particular Rule 30 when they utilized supervisors to perform wrecking service instead of calling a sufficient number of the regularly assigned wrecking crew from the established and agreed upon wrecking list.**
- 2. That, accordingly, the Springfield Terminal Railway Company be ordered to compensate Carman Wilfred in the amount of seven (7) hours at the overtime rate and eight (8) hours at the double time rate for August 19, 1997 and nine (9) hours at the double time rate (instead of eight (8) hours at the straight time rate and one (1) hour at the overtime rate) for August 20, 1997.”**

**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 claim arises from the Carrier's dispatching of the RC-130 Mobile Crane to a 10 car derailment at Orono, Maine, on August 19, 1997 without the proper ground crew. As a result of a conference on March 20, 1998, the parties agreed to settle the claim on a compromise basis, and pay the Claimant 12 hours' pay. The underlying merits of the improper assignment of the wrecking crew is not before us. What is in issue in this case is whether the settlement agreed to by the parties was for payment at the overtime or straight time rate.**

**This claim is identical to the one presented to the Board in Second Division Award 13569, in that the settlement conference in issue covered the two claims filed by Carman Derocher and the Claimant. Thus, our statements and the reasons for our decision in that case are equally applicable herein.**

**For all of the reasons set forth in our Award 13569, the instant claim is 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 14th day of November, 2000.**