

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

**Award No. 13667
Docket No. 12838
02-2-93-2-208**

The Second Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

(Jesse Farmer et al.

PARTIES TO DISPUTE: (

(Gateway Western Railway

STATEMENT OF CLAIM:

- “1. Carrier flagrantly violated the Agreement at East St. Louis, IL and at various other points on the railroad on a daily basis when Carrier failed/refused to allow Carmen to perform Carmen’s work, instead transferring Carmen’s work to other crafts. In particular, Rules 1 (Scope Rule), Rules 11, 12, 16, 22, 34, and Appendix 1. Further, Memorandum of Agreement of 1989 and ICC Finance Docket 31891.**
- 2. Carrier blatantly violated the Railway Labor Act, United States Code-Title 45, Chapter 8, Sections 155 & 156 through arbitrary and discriminatory actions.**
- 3. Carrier’s actions violate Federal Railroad Administration Rules 215.11, 215.13 & 232.12.**
- 4. Carrier’s actions caused violations of the Rail Safety Improvement Act of 1988.**
- 5. Carrier shall now allow Carmen (#5, claim of February 24, 1993) pay at 60 days retroactive and continual, eight (8) hours a day, seven (7) days a week, plus all benefits, including but not limited to overtime, seniority, vacation pay, health incentive pay, time toward future vacation pay, personal days, bonuses, and all other monies and benefits due these Carmen had they not been wrongfully held from performing Carmen’s work by 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.

A full review of the record fails to provide proof of the alleged violations as cited in the Statement of Claim.

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 11th day of February, 2002.