

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13726

Docket No. 13627

03-2-01-2-32

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

(Brotherhood Railway Carmen Division
(Transportation Communication International Union

PARTIES TO DISPUTE: (

(Springfield Terminal Railway Company

STATEMENT OF CLAIM:

“Claim of the Committee of the Union that:

- (1) The Springfield Terminal Railway Company violated the terms of our current agreement, in particular Rule 2.1(a) and (b) when the carrier ordered or otherwise assigned a supervisor to perform work belonging to the carman craft at East Deerfield, MA on December 28, 1999.
- (2) That, accordingly, the Springfield Terminal Railway Company be ordered to compensate Carman Ralph K. Barnes in the amount of four (4) hours pay, at the overtime rate. This is the amount he would have earned, if properly called.”

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 instant claim is one of four appealed by the Organization to protest the Carrier's use of Trainmaster Mark Galvis to inspect freight cars on four separate dates in the East Deerfield, Massachusetts, yard when Carmen were on duty and qualified to perform this work. This claim seeks compensation for the Claimant for work performed by Galvis on the morning of December 28, 1999, the Claimant's rest day.

With the exception of the identity of the Claimants, the specific freight trains in issue, and the dates of the disputed work, this case is identical in all aspects, including the correspondence on the property, to that decided by the Board in Second Division Award 13724. We adopt the analysis and rationale of the Board set forth in that case as applicable herein, and deny the instant claim for the reasons cited.

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 10th day of June 2003.