

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13936
Docket No. 13820
NRAB-00002-070004
(07-2-4)

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

**(Brotherhood Railway Carmen Division (BRCD)
(Transportation-Communications International Union**
PARTIES TO DISPUTE: (
(Springfield Terminal Railway Company (ST)

STATEMENT OF CLAIM:

"Claim of the Employees:

1. That the Springfield Terminal Railway Company violated the terms of our Agreement, in particular Rule 29 when they failed to contact the Local Committee as to the number of employees required to perform overtime work.
2. That, accordingly, the Springfield Terminal Railway Company be required to compensate Carmen Richard Michaud and Brain (sic) Bertlesen in the amount of two hours and 40 minutes at the overtime rate of pay. This is the amount of compensation they would have earned had the Carrier not violated the 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.

On June 6, 2005 the Organization filed this claim. The basis of the claim is that on May 17, 2005 two Carrier supervisors moved PanAm display car MEC 31775.

The Organization claims the Carrier violated Rule 29, the overtime rule.

The Organization has failed to show that the movement of cars is work belonging to Carmen. Ergo, a claim for overtime for work that does not belong to Carmen must be 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 27th day of March 2008.