

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 13937
Docket No. 13821
NRAB-00002-070005
(07-2-5)

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

(Brotherhood Railway Carmen Division (BRCB))
(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 current Agreement, in particular Rule 29 when they failed to call Carman William Reinsborough for overtime on May 2, 2005.
- "2. That, accordingly, the Springfield Terminal Railway Company be required to compensate Carmen (sic) William Reinsborough in the amount of six (6) hours and forty-five (45) minutes at the overtime rate. This is the amount of empensation (sic) he 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. It alleges that the Carrier failed to call the Claimant to reraill cars at a derailment on May 2, 2005.

The Carrier argues that its Manager Mechanical Department East called the Claimant, but received no answer.

The Claimant states he was home, but did not get the call.

In this case we have a dispute in facts. This Board is not a trier of facts.

AWARD

Claim dismissed.

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.