

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13939
Docket No. 13829
NRAB-00002-070015
(07-2-15)

The Second Division consisted of the regular members and in addition Referee Robert Richter 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 current Agreement, in particular Rule 2 when they failed to allow Carmen to perform work at Rigby Yard, Portland, Maine after the Carrier abolished the Claimant's position.
2. That, accordingly, the Springfield Terminal Railway Company be required to compensate Carman Edward Fortier in the amount of one (1) days pay for a Supervisor performing work of a Carman."

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 January 22, 2006 the Organization filed this claim. It alleges a Carrier Officer performed carmen's duties on December 21, 2005 at Rigby Yard, Portland, Maine.

The Carrier denies that its Officer performed any Carmen's work on the claim date.

The Claimant is a furloughed Carman. Even if the Organization's position is correct, the Claimant is not the proper claimant. The Organization has not shown that furloughed employees are to be called for incidental overtime.

Regardless whether the Carrier's Officer did or did not perform Carmen's work, the claim will be denied on the basis that the Claimant is improper.

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.

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NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Dated at Chicago, Illinois, this 27th day of March 2008.