

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

**Award No. 14014
Docket No. 13896
10-2-NRAB-00002-090009**

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

**(Brotherhood Railway Carmen Division of TCIU
PARTIES TO DISPUTE: (
(Springfield Terminal Railway Company**

STATEMENT OF CLAIM:

"Claim of the Employees':

- 1. That the Springfield Terminal Railway Company violated the terms of our current Agreement, in particular Rules 2.1, 29.2, 29.5 and 30.2, when they arbitrarily ordered or otherwise allowed Supervisor Scott Giguere to perform Carman's work at a derailment in Jay, Maine.**
- 2. That, accordingly, the Springfield Terminal Railway Company be required to compensate Carman Timothy Locke in the amount of ten and one-half (10 1/2) hours at the overtime rate of pay. This is the amount 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.

The facts of this case are nearly identical to those outlined in Second Division Award 14013 (except for a different Claimant). It involves the same date, the same location and is the second derailment discussed in the former Award. The arguments and positions taken by both parties in the aforementioned Award are the same and will not be repeated herein for the sake of brevity.

For the same reasoning set forth in Award 14013 the Board finds and holds that the Claimant shall be compensated a call in accordance with the applicable Call Rule.

AWARD

Claim sustained in accordance with the Findings.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division**

Dated at Chicago, Illinois, this 14th day of January 2010.