

Award No. 3338
Docket No. 3149
2-P&LE-TWUOA-'59

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Lloyd H. Bailer when the award was rendered.

PARTIES TO DISPUTE:

**RAILROAD DIVISION, TRANSPORT WORKERS UNION OF
AMERICA, A. F. of L.—C. I. O.**

**THE PITTSBURGH & LAKE ERIE RAILROAD COMPANY and
THE LAKE ERIE & EASTERN RAILROAD COMPANY**

DISPUTE: CLAIM OF EMPLOYEES:

S. Symbolik, car inspector, held a regular job at Shaw Junction working from 7:00 A. M. to 3:00 P. M.

On October 11, 1957, A. Symbolik was sent to the East Yard to perform the work of a car inspector. His job then was filled by Mr. Lockshaw from another point.

The Organization feels that the carrier has no right to take a man off his regular position, send him to another point, then get a man from another point to fill the regular job.

For this reason the organization requests the carrier to compensate S. Symbolik eight (8) hours for October 11, 1957.

EMPLOYEES' STATEMENT OF FACTS: S. Symbolik, is a car inspector, and he held a regular assignment at Shaw Junction that worked from 7:00 A. M. to 3:00 P. M.

S. Symbolik was moved from his position at Shaw Junction and required to perform work at the East Yard.

Mr. Lockshaw was taken from his place of employment and required to fill S. Symbolik's job.

This the organization states is incorrect as S. Symbolik had a regular job and should not have been moved from his job.

The organization has failed to cite a rule to support this claim and because of the recognized practice on the property the carrier respectfully submits the claim is absolutely without merit and should be denied.

FINDINGS: The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe 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.

The parties to said dispute were given due notice of hearing thereon.

The reasoning set forth in Award 3337 also applies to the facts of this case. A denial award is required.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 16th day of October, 1959.