

**Award No. 3458**

**Docket No. 3429**

**2-P&LE-TWUOA-'60**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**SECOND DIVISION**

**The Second Division consisted of the regular members and in addition Referee Francis B. Murphy when the award was rendered.**

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**PARTIES TO DISPUTE:**

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

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

**DISPUTE: CLAIM OF EMPLOYES:** On March 13, 1958, D. T. Ripple, Car Inspector, was taken from the West Yard to Lansingville, Ohio to perform inspection work. He is a regular car inspector at the West Yard.

The Organization does have a rule with the Carrier as to extra boards on the property of the Carrier. The Organization feels that Rule 48 (c) was violated when D. T. Ripple was taken from the West Yard to perform work at Lansingville as an extra man should have been used at Lansingville.

For this reason the Organization requests that G. Zetts, Car Inspector, (extra) be compensated eight (8) hours for March 13, 1958.

This same thing happened on March 16, 1958 only this time the car inspector to be moved was W. E. Arnold.

Extra Car Inspector J. Stupka should have been used and for that reason the Organization requests that J. Stupka be compensated eight (8) hours for March 16, 1958.

**EMPLOYES' STATEMENT OF FACTS:** This case is from Youngstown, Ohio and is known as Case Y-90.

Car Inspectors G. Zetts and J. Stupka are extra car inspectors and were available for the work done by Car Inspectors D. T. Ripple and W. E. Arnold.

Car Inspectors Ripple and Arnold held regular jobs at the West Yard and when extra work appeared at Lansingville the carrier should have abided by the agreement that has been negotiated with the carrier and called out extra men, G. Zetts and J. Stupka to do this work.

It has also been shown that the claim of Mr. Stupka for March 16 is an improper one, as this employe was not first out on the extra board on March 16, 1958, as alleged.

The carrier respectfully requests that the claims as presented 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.

On March 13, 1958, Mr. D. C. Ripple, a regular Car Inspector at Carriers West Yard was taken to Lansingville, Ohio to perform inspection work. The Organization feels that this is a violation of Rule 48(c) of the current agreement and that extra car inspector J. Stupka should be compensated for eight (8) hours for the Carrier's failure to use him for this assignment.

The facts in this case are similar to those decided by this Board in Award 3337 where the same Carrier and Organization were involved.

We find no violation of the agreement in the instant case.

#### AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD

By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman  
Executive Secretary

Dated at Chicago, Illinois, this 2nd day of May, 1960.