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Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION

Award No. 6566  
Docket No. 6417  
2-C&O-CM-'73

The Second Division consisted of the regular members and in addition Referee Edmund W. Schedler, Jr., when award was rendered.

Parties to Dispute: ( System Federation No. 41, Railway Employees'  
( Department, A. F. of L. - C. I. O.  
( (Carmen)  
(  
( The Chesapeake and Ohio Railway Company  
( (Chesapeake District)

Dispute: Claim of Employes:

1. That the service rights of Freight Car Painters, W. J. Pettigrow and W. A. Bailes and rules of the Shop Crafts Controlling Agreement were violated, account Company Bulletin No. 77 abolished their Freight Car Painter positions, October 6, 1971 in violation of Rules 27 and 31.
2. Accordingly, Freight Car Painters, W. J. Pettigrow and W. A. Bailes are each entitled to be recalled and reinstated on the positions they held prior to 7:00 a.m. October 6, 1971, and that each be compensated for all time lost at the Freight Car Painter's applicable rate of pay, on the basis of five (5) eight (8) hour days per week, Monday through Friday, and each also be compensated alternately, as per past practice for calls of two (2) hours and forty (40) minutes at one and one-half ( $1\frac{1}{2}$ ) the applicable rate of pay, for weekend days of Saturday and Sunday, this to be a continuing daily claim in accordance with provisions of Rule 35, Shop Crafts 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 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.

Parties to said dispute waived right of appearance at hearing thereon.

This grievance has identical substantive issues as Award No. 6563, and the claim will be denied for the same reasons as given in Award 6563.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest; Executive Secretary  
National Railroad Adjustment Board

By: Rosemarie Brasch  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 23rd day of July, 1973.