

The Second Division consisted of the regular members and in addition Referee Nicholas H. Zumas 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 Employees:

1. That the service rights of Freight Car Painter, Herschel Nelson and Roger Neal and rules of the Shop Crafts Controlling Agreement were violated, account being furloughed from their regular assigned painter positions October 6, 1971 while Carmen have been assigned to perform the painters work, in violation of Rules 27 and 31.
2. Accordingly, Nelson and Neal are each entitled to be restored to their respective freight car painter positions.

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 employees 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.

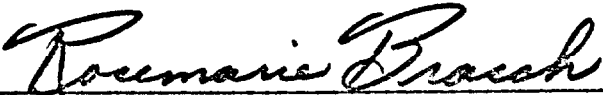
In Award No. 6563 involving the same parties to this dispute, the identical issue was considered and the claim denied by this Division. We are satisfied that the award was proper.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 15th day of November, 1973.