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Award No. 6739  
Docket No. 6437  
2-SPT(PL)-CM-'74

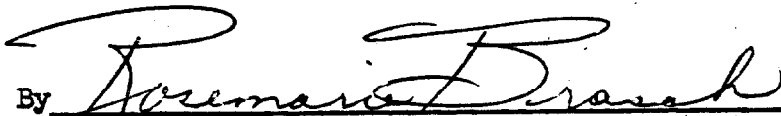
A W A R D

Claim sustained in part and denied in part per Findings herein.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Executive Secretary  
National Railroad Adjustment Board

By

  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 18th day of July, 1974.



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

Parties to Dispute: ( International Association of Machinists  
( and Aerospace Workers  
(  
( Terminal Railroad Association of St. Louis

Dispute: Claim of Employees:

1. That the Terminal Railroad Association of St. Louis violated the controlling agreement, particularly Rules 6 and 14, when Machinist C. Lynch was required to work his rest day, January 25, 1971, in the Track Department, and then on January 26, 1971, was required to work his regular assignment, and also required to work the shift of his former job, or a total of sixteen hours (16') overtime on January 25th and 26th, 1971, but was only paid the straight time rate.
2. That accordingly, the Terminal Railroad Association of St. Louis be ordered to compensate Machinist C. Lynch in the amount of eight (8') at punitive rate for January 25, and eight hours (8') at punitive rate for January 26, 1971, and in addition to the money amounts claimed the Carrier be ordered to compensate Machinist Lynch in the additional amount of 6% interest, compounded annually on the anniversary date of the claim.

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.

In Second Division Award No. 6657, the Board said:

"A review of the claim as it was handled on the property and as submitted to this Board reveals that the claim as originally submitted was changed on the property and further amended when it was presented to this Board. It is our opinion that the claim now before us is substantially at a variance with the claim handled on the property. Consequently, we are left no alternatives other than to conclude that the claim is procedurally defective as it violates Section 3, First (1) of the Railway Labor Act, compelling a dismissal without reaching the merits thereof."

The Board finds that the same situation obtains in the instant dispute, and a dismissal is required.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Executive Secretary  
National Railroad Adjustment Board

By   
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 18th day of July, 1974.