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NATIONAL RAILROAD ADJUSTMENT BOARD

Award No. 6769

OCT 25 1974

SECOND DIVISION

Docket No. 6579

2-CP-CM-'74

G. M. YOUHN

The Second Division consisted of the regular members and in addition Referee David Dolnick when award was rendered.

Parties to Dispute: (System Federation No. 7, Railway Employees'
 (Department, A. F. of L. - C. I. O.
 ((Carmen)
 (Camas Prairie Railroad Company

Dispute: Claim of Employees:

1. That the Carrier violated the rules of the current agreement when other than Carmen (i.e. Maintenance of Way Employees) were improperly assigned to make major repairs on a hand car by removing two (2) old axles and four (4) old wheels and applying the new axles and wheels to said hand car, at Orofino, Idaho between the dates of September 21, 1972 and September 28, 1972.
2. That accordingly the Carrier be ordered to compensate Carmen R. G. Berger and J. J. Cassetto for five (5) hours at the time and one-half rate.

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.

The claim here is for five (5) hours at the time and one-half rate. The record shows that the Maintenance of Way employes replaced wheels and axles and that work took two (2) hours. Two (2) hours is the most that the Claimant may recover. Carrier's allegation that the total work entailed only two (2) hours is not disputed or contradicted by probative evidence.

Since the Claimant performed no work on the wheels and axles here involved the prevailing rule is that he may recover only for the time actually spent on the job by the Maintenance of Way employes which was two (2) hours at the straight time rate.

For the reasons herein stated it is the finding of the Board that there is a valid claim for two (2) hours at the applicable pro rata rate.

A W A R D

Claim is sustained for two (2) hours at the applicable pro rata rate.

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 17th day of October, 1974.