

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. 7, Railway Employees'  
( Department, A. F. of L. - C. I. O.  
( (Carmen)  
( Burlington Northern, Inc.

Dispute: Claim of Employees:

1. That the Burlington Northern, Incorporated violated Rules 7, 82, 83 and 86 of the controlling Agreement in effect on the Burlington Northern, Incorporated, when they sent other than the regularly assigned Superior wrecking crew and wrecking derrick to rerail derailed cars, load salvage parts and trucks at a derailment during the period of from April 29, 1972 through May 14, 1972.
2. That accordingly the Burlington Northern, Incorporated, be ordered to additionally compensate Superior Carmen J. Paquette, J. Monberg, E. Ebmer, C. Jablonski and E. W. Bergh in the amount of sixteen (16) hours each at the time one-half ( $1\frac{1}{2}$ ) rate for each claimed day from April 29 through and including May 14, 1972.

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 claim is a factual sequel to the circumstances described in our Award No. 6837. After the Superior Wisconsin wrecking crew was sent home on April 29, 1972 (following six days work at a derailment of over 50 ore cars at Pengilly, Minnesota), a B & B crane and carmen from Kelly Lake, Minnesota were dispatched to the derailment site on April 29 and worked until May 14, 1972.

The Organization contends that Carrier violated the rules of the agreement between the parties when it relieved the Superior, Wisconsin wrecker and crew on April 29 and assigned the work that remained to a B & B crane and carmen from Kelly Lake, Minnesota.

The Board finds that the record fails to show that the crew from Superior, Wisconsin should have been continued after April 28th. There is nothing in the agreement that gives the Superior crew the right to perform the work in question over the crew from Kelly Lake (who were also carmen in the same seniority district).

Under the particular circumstances of this dispute, the claim must be denied.

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 7th day of April, 1975.