

The Second Division consisted of the regular members and in addition Referee Harold M. Weston 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 Carrier violated the current Agreement, particularly Rule 8, Memorandum of Agreement No. 29 (Rev.) and Appendix "K" of the controlling Agreement when they failed to properly call Superior Carman W. Nelson from the proper shift's overtime call list on June 30, 1973.
2. That accordingly the Carrier be ordered to compensate Carman W. Nelson in the amount of sixteen (16) hours at the pro rata rate for his class for June 30, 1973.

Findings:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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 gist of this claim is that Carrier violated Rule 8 (3) and Memorandum of Agreement No. 29 when it assigned third shift overtime to a second shift employee on the overtime call list of the second shift.

At the time in question, Claimant was on the third shift overtime call list and available to perform the work on his rest day. The issue has already been settled on this property by awards sustaining similar claims involving the same basic questions, contentions, rules, and Organization and Carrier (see, e.g., Second Division Awards 6843 and 6870.).


The claim will be sustained in its entirety, no contention having been made on the property as to the amount of compensation due Claimant in the event of a decision favorable to him.

A W A R D

Claim sustained.

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 23rd day of January, 1976.