

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" when they failed to properly call Superior Carman C. Johnson from the proper shift overtime call list on June 30, 1973.
2. That accordingly the Carrier be ordered to compensate Carman C. Johnson 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 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.

An employe on the 12 midnight to 8 a.m. shift was called to perform overtime on the 8 a.m. to 4 p.m. shift, although Claimant was assigned to the latter shift, and on its overtime call list. Claimant was available to perform the work in dispute.

What we had to say in our Awards 6843, 6870 and 6988 is equally applicable here. Claimant was entitled to the overtime assignment and his claim will be sustained.

A W A R D

Claim sustained.


Form 1  
Page 2

Award No. 6989  
Docket No. 6806  
2-BN-CM-'76

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.