

The Second Division consisted of the regular members and in addition Referee Joseph A. Sickles when award was rendered.

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

Dispute: Claim of Employees:

1. That the Soo Line Railway Company arbitrarily would not allow Carmen Louis Holz and Albert Holz to work at the North Fond du Lac, Car Shop on Saturday, November 24, 1973.
2. That accordingly the Carrier be ordered to compensate Carmen Louis Holz and Albert Holz eight (8) hours' time and one-half pay.

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 Claimants were assigned to the 4:00 p.m. to 12:30 a.m. shift in the Car Shop; Mondays through Fridays. They both assert that Carrier acted in an arbitrary manner in not allowing them to perform work, at overtime rates, on Saturday November 24, 1973, and they claim compensation for eight (8) hours at time and one-half ($1\frac{1}{2}$).

Our review of the record in this dispute demonstrates that the Claimants left work early on the preceeding Friday in order to go deer hunting. At that time, they were specifically advised that they would not be considered as available for overtime work on the next day (claim date). Moreover, we are unable to discover any compelling evidence to indicate that, in fact, the claimants were available to work on November 24, 1973.

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In any event, we are unable to find any showing of record that Carrier violated the agreed upon distribution of overtime rules, and we will deny the claim.


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 - Administrative Assistant

Dated at Chicago, Illinois, this 15th day of October, 1976.