

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

Parties to Dispute: (United Steelworkers of America, AFL-CIO
(The Lake Terminal Railroad Company

Dispute: Claim of Employees:

- (1) That, under the controlling Agreement, Car Repairman Helper Messer's contractual rights were violated when the Carrier assigned (forced) him to a 3:00 P.M. to 11:00 P.M. shift as a Car Repairman even though the Carrier had received an application from a qualified Car Repairman Helper, J. Cruz. The Carrier's assignment of Mr. Messer is in violation of Rule 30(c) and Rule 16(z).
- (2) That, accordingly, the Carrier be ordered to compensate Mr. Messer eight (8) hours pay at the Car Repairman Helper's rate, in addition to all other earnings, beginning with July 29, 1975, up to and including August 15, 1975, as penalty for the enumerated violations.

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 dispute has been treated by the parties as a companion case to the dispute in Award No. 7264. Our review of this Docket compels us to conclude that our Findings in Award No. 7264 are equally applicable here, and our sustaining Award in that case dictates the same result here.

A W A R D

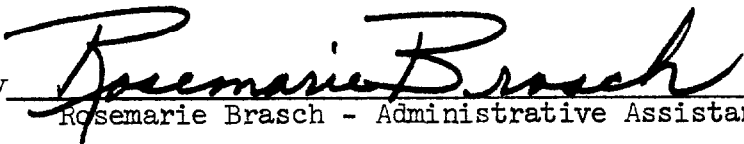
Claim sustained.

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Award No. 7265
Docket No. 7076
2-LT-USWA-'77

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 5th day of April, 1977.