

The Second Division consisted of the regular members and in addition Referee David P. Twomey when award was rendered.

Parties to Dispute: (System Federation No. 2, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Carmen)
(
(Missouri Pacific Railroad Company

Dispute: Claim of Employees:

1. That the Missouri Pacific Railroad Company violated the controlling agreement, particularly Rule 117 and 26(a) when employees from McCormick Painting Company were assigned to perform carmen painters' work at Pike Avenue Diesel Shop, North Little Rock, Arkansas, on January 4, 1975.
2. That accordingly, the Missouri Pacific Railroad Company be ordered to compensate Carmen Painters B. W. Wigginton, T. J. Hillis and A. F. Fithen in the amount of eight hours (8') each at the punitive rate for January 4, 1975, as they were available to perform this work.

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.

On January 4, 1975, painters of the McCormick Painting Company were used to paint the overhead crane in the Machine Shop of the Pike Avenue Diesel Shop, located in North Little Rock, Arkansas. The claim is identical in all material respects to Second Division Award No. 7295, rendered this day. For the reasons set forth in Second Division Award No. 7295, we will deny this claim.

A W A R D

Claim denied.

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Award No. 7294
Docket No. 7149
2-MP-CM-'77

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 29th day of April, 1977.