

The Second Division consisted of the regular members and in addition Referee Nicholas H. Zumas when award was rendered.

Parties to Dispute: (System Federation No. 4, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Carmen)
(
(Patapsco and Back Rivers Railroad Company

Dispute: Claim of Employes:

No. 1. That the Carrier violated the rules on September 25, 1974 when they instructed Carman Dan Matthews at Sparrows Point, Maryland, who held a regular bid position on the 3:00 P.M. to 11:00 P.M. shift, under bid No. 779 and forced him to work 7:00 A.M. to 3:00 P.M., thus denying him his seniority rights; and also penalty pay under paragraph F. of Rule 5 of the current Agreement.

No. 2. That accordingly the Carrier be ordered to compensate Dan Matthews for 8 hours pay at time and one-half rate for September 25, 1974 and 8 hours at the time and one-half rate for reverting back to his home shift as per rule 5 of the current Agreement on September 30, 1974.

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 issue in this dispute is identical to that in Second Division Award No. 3694 between the same parties. The Board has reviewed that award and is satisfied that there is no basis for finding that it is palpably erroneous. On the basis of Award No. 3694, therefore, this claim shall be denied.

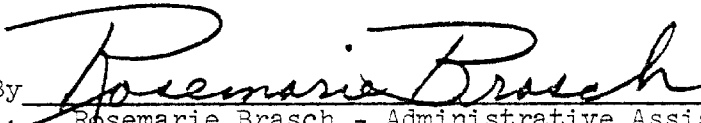
A W A R D

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 8th day of November, 1977.