

The Second Division consisted of the regular members and in addition Referee Robert G. Williams 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 Employee:

1. That the Missouri Pacific Railroad Company violated the controlling agreement, particularly Rules 4(d) and 8, North Little Rock, Arkansas, when Carman C. V. Kita was assigned to perform overtime work in addition to what he was originally called to perform on October 28, 1974, thereby depriving Carman R. B. Davidson of his right to overtime on that date (October 28, 1974).
2. That accordingly, the Missouri Pacific Railroad Company be ordered to compensate Carman R. B. Davidson in the amount of six hours (6') at punitive rate for October 28, 1974, as he was first out and available for call on this date.

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 case is whether Rule 8 requiring the equal distribution of overtime was violated when the Claimant was not called for certain overtime work on October 28, 1974. This Board has held in numerous awards that such rules are properly observed if work is distributed substantially equally over a reasonable period of time. An isolated incident does not substantiate a claim. A valid claim must be based on a reasonable period of time when overtime has not been distributed equally. Even if the claimant was entitled to the work in this case, he has not shown that the Carrier has failed to equalize overtime over a reasonable period of time. The claim therefore must be denied.

Form 1  
Page 2

Award No. 7624  
Docket No. 7124  
2-MP-CM-'78

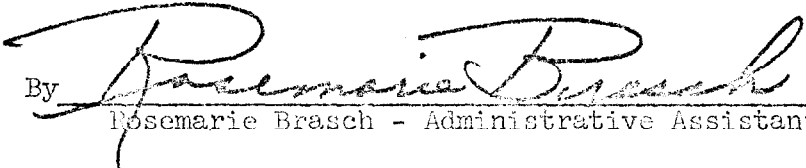
A W A R D

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 31st day of July, 1978.