

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

Parties to Dispute: { International Association of Machinists
{ and Aerospace Workers
{ Missouri Pacific Railroad Company

Dispute: Claim of Employes:

1. That the Missouri Pacific Railroad Company violated the controlling Agreement, particularly Rules 26(a) and 52(a) when they arbitrarily assigned other than the Machinists' Craft to change a tire on forklift truck #16A on December 29, 1975.
2. That accordingly, the Missouri Pacific Railroad Company be ordered to compensate Machinist A. E. Lock in the amount of four (4) hours' pay at the punitive rate of pay for a Machinist for being denied the right to change the tire on forklift truck #16A on December 29, 1975.

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.

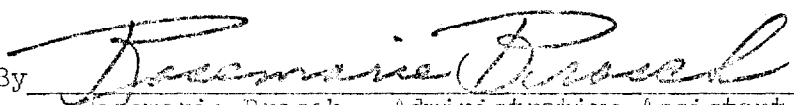
The facts and issues in this dispute are substantially similar to those presented in Award No. 7709. Therefore, in accordance with findings in Award No. 7709, this claim will be denied.

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 1st day of November, 1978.