

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

Parties to Dispute: (System Federation No. 6, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Carmen)
(Chicago, Rock Island and Pacific Railroad Company

Dispute: Claim of Employees:

- (1) That under the current Agreement the Carrier improperly permitted a car foreman and section man to perform Carmen's work near Eldon, Iowa on May 4, 1977.
- (2) That accordingly the Carrier be ordered to compensate Carmen R. E. Madden and R. V. Sbshire nine hours and 50 minutes pay each at the time and one half rate.

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 employees 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 instant claim is different from that covered in Award No. 7793 only in that it involves rerailing by Milwaukee Railroad employes of a freight car derailed in a Milwaukee train operating over Carrier's tracks.

The Trackage Rights Agreement, which we held to be valid in Award 7793 provides for Carrier to handle derailments except where wrecking derrick is not required. The work in dispute was handled by use of jacks, frogs, wedges and blocks.

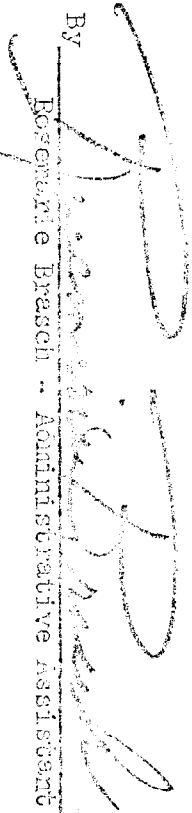
For the reasons stated in Award No. 7793, we will deny the claim.

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 4th day of January, 1979.