

The Second Division consisted of the regular members and in addition Referee Dana E. Eischen when award was rendered.

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

Dispute: Claim of Employees:

1. That the Missouri Pacific Railroad Company violated the controlling Agreement, particularly Rules 26(a) and 52(a), when they arbitrarily assigned Carmen to repair the retriever cable on the car puller at the Rip Track, North Little Rock, Arkansas.
2. That accordingly, the Missouri Pacific Railroad Company be ordered to compensate Machinist H. W. Urbach in the amount of four (4) hours' pay at a Machinist's punitive rate of pay for Wednesday, March 24, 1976, when he was denied the right to perform the above-mentioned Machinists' 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 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.

But for a difference in Claimant and inconsequential distinction in the facts, the same Rules and principles apply in this claim as in our recent Award No. 7908. As in the earlier claim, the Carmen Organization received adequate Third Party Notice and filed a submission, which has been considered along with the rest of the record.

For reasons developed more fully in Award (Docket 7530-T) we shall sustain the instant claim, but only for 1 hour and 30 minutes at the straight time rate.

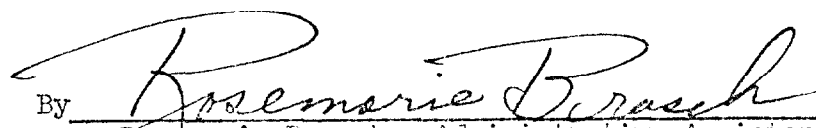
A W A R D

Part 1 of claim is sustained.

Part 2 of claim is sustained to the extent indicated in the Findings.

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 9th day of May, 1979.