

The Second Division consisted of the regular members and in addition Referee George S. Roukis when award was rendered.

Parties to Dispute: ( System Federation No. 10, Railway Employees'  
( Department, A. F. of L. - C. I. O.  
( (Firemen & Oilers)  
(  
( Denver and Rio Grande Western Railroad Company

Dispute: Claim of Employes:

1. Under the current controlling Agreements, the Denver and Rio Grande Western Railroad Company improperly assigned Foreman G. A. Wilson to drive Station Wagon #1340 to transport 2 mechanics from Denver, Colorado to Grandby, Colorado at 9:30 A.M. August 28, 1977 and returning to Denver, Colorado at 8:30 P.M. that same day; or a total of 11 hours work denied to a Craft employe.
2. That, accordingly, The Denver and Rio Grande Western Railroad Company be ordered to compensate Station Wagon Driver P. R. Mascarenas, Denver, Colorado, eleven hours at the time and one-half pro rata rate for August 28, 1977.

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.

In our review of this dispute we do not find that Carrier violated the Agreement when it permitted the Diesel Maintenance Supervisor to transport round trip two mechanics from Denver to Grandby, Colorado in station wagon #1340 on Sunday, August 28, 1977.

The record shows that claimant was working his regular assignment on this date at a time when no station wagon or driver was assigned to work the North Yard and the vehicle was used for another purpose that does not appear to be improper under the circumstances of its usage.

We believe that the facts herein do not establish conclusively the presence of a rule violation and thus for these reasons we must deny the claim.

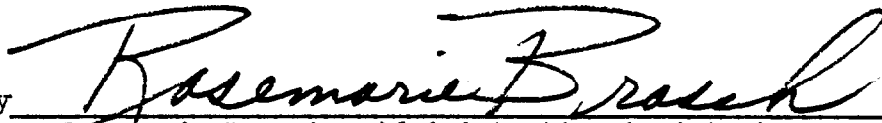
A W A R D

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 16th day of April, 1980.