

Parties to Dispute: { Brotherhood Railway Carmen of the United States
and Canada
{ Seaboard Coast Line Railroad Company

It is conceded that the derailment was within yard limits. The organization points out that the language is clear and unambiguous that carmen are required.

The carrier argues that Second Division Award 4337, for example, points out that the second sentence is taken out of context by the organization and must be read in context to establish its true meaning. In that decision rule 142 of a different contract was interpreted. There is significant difference in the wording of the rule. Rule 142 reads:

"When wrecking crews are called for wrecks or derailments outside of yard limits a sufficient number of regularly assigned crew will accompany the outfit. For wrecks or derailments within yard limits, sufficient carmen will be called to perform the work."

The award determined that the two sentences supplemented each other and pointed out that "the first sentence relates to wrecks or derailments outside yard limits and the second sentence to wrecks within yard limits". It concluded that the entire rule 142 related to the use of wrecking crews only and did not apply under different circumstances. If the same line of reasoning is applied to Rule 103(c) as it is written the first sentence of the rule which applies to within not without yard limits establishes what happens when a wrecking crew is used within yard limits and the second sentence describes requirements when a wrecking crew is not used. The carrier cannot rely on the interpretation of a rule with such a significant difference in support of its position.

The organization cites Second Division Award 7607 which interpreted the specific rule in question. That award dealt with a similar dispute on the same property involving the same parties as the issue before this Board.

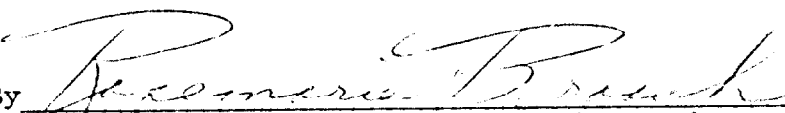
In view of the foregoing and the entire record we are unable to find sufficient reason to differ from the Board's conclusion in Award 7607. We refer to that award for additional award references.

A W A R D

Claim sustained.

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 28th day of January, 1981.