

The Second Division consisted of the regular members and in addition Referee John B. LaRocco when award was rendered.

PARTIES TO DISPUTE: (Brotherhood Railway Carmen of the United States
(and Canada
(
(Norfolk and Western Railway Company

DISPUTE: CLAIM OF EMPLOYEES:

1. That the Norfolk and Western Railway Company violated the controlling Agreement when it abolished Carman Helper Job No. 183, 7:00 a.m. to 3:00 p.m., Monday through Friday, Saturday and Sunday rest days, effective May 19, 1980, and created through advertisement dated May 12, 1980, Job No. 117, 7:00 a.m. to 3:00 p.m., Tuesday through Saturday, Sunday and Monday rest days, effectuating the change in rest days of Carman Helper J. D. Klimtzak, at Buffalo, New York, beginning May 24, 1980.
2. That the Norfolk and Western Railway Company be ordered to compensate Carman Helper J. D. Klimtzak in the amount of eight (8) hours at time and one-half rate for every Saturday worked, beginning with Saturday, May 24, 1980, until corrected.

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 employees 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.

Claimant, a Carman Helper at Buffalo Junction, alleges that the Carrier violated Rules 2(a), 2(b) and 2(f) of the applicable Agreement when it abolished his position and then awarded him a new carman helper position. The effect of the Carrier's action was to change Claimant's rest days from Saturday and Sunday to Sunday and Monday. Claimant acknowledges that the Carrier followed all the proper contractual procedures pertaining to the abolition of his former position and the establishment of the new position.

We considered and decided an identical dispute involving a carman at Buffalo Junction in Second Division Award No. 9739. For the reasons more fully explained in Award No. 9739, we must deny this claim.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST:



Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 14th day of December, 1983