

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
(
(Chicago and North Western Transportation Company

DISPUTE: CLAIM OF EMPLOYEES:

1. The Chicago and North Western Transportation Company violated the controlling agreement when it unjustly deprived Carman James Schreiber of his contractual rights when it allowed other than carmen to perform carmen's work at Fond du Lac, Wisconsin on May 12 through June 10, 1980, while Schreiber was laid off.
2. That the Chicago and North Western Transportation Company be ordered to compensate Carman James Schreiber in the amount of three (3) days pay at 8 hours per day at time and one-half rate, and 22 days at 8 hours per day at the pro rata rate in accordance with Rules 17, 25, 28, 29, 53, and 124. This is a continuing claim.

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 employes 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.

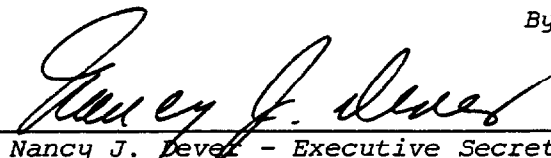
The issue presented to us in this case is precisely the same as the issue we resolved in Second Division Award No. 9742. See also Second Division Award No. 8146 (Dennis). For the reason more fully set forth in Award No. 9742, Claimant is entitled to eight hours of pay at the straight time rate for twenty-five days. The compensation paid to Claimant should be at the rate in effect between May 12, 1980 and June 10, 1980.

A W A R D

Claim sustained to the extent consistent with our Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST:


Nancy J. Devel - Executive Secretary

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