

The Second Division consisted of the regular members and in addition Referee James F. Searce when award was rendered.

Parties to Dispute: (Brotherhood Railway Carmen of the United States and Canada
(The Louisville and Nashville Railroad Company

Dispute: Claim of Employees:

1. That the Louisville and Nashville Railroad Company, violated the terms of the Agreement when Radnor (Nashville, Tennessee) Wrecking Crew Members J. W. Daugherty, W. H. Bishop, C. L. Fielder, Jr., and R. E. Lee were relieved of their wrecking assignment by being "taxi cabed" from the Wrecking Outfit at Watertown, Tennessee, to home station at Nashville, Tennessee, while the remainder of the Crew D. M. Mingle and S. J. Reffeggee accompanied the Wrecking Outfit which arrived at Nashville at 2:00 AM, November 28, 1979.
2. Accordingly, the Louisville and Nashville Railroad Company should be ordered to compensate Wrecking Crew Members Carmen J. W. Daugherty, W. H. Bishop, C. L. Fielder, Jr., and R. E. Lee the same as they would have been compensated had they accompanied the Wrecking Outfit from Watertown, to Nashville, Tennessee, or five (5) hours each at the time and one-half rate.

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 were given due notice of hearing thereon.

A derailment at Holmes Gap, Tennessee, prompted the calling of the wrecking outfit and crew stationed at Nashville, Tennessee to clear the wreckage. The wrecking outfit/crew departed Nashville at 2:20 a.m. on November 27, 1979 and arrived at Holmes Gap at 7:45 a.m. By 5:00 p.m. on that date work was complete at which time the wrecking outfit/crew departed for Watertown, Tennessee. It arrived at Watertown at 7:30 p.m. at which time the Claimants -- Fielder, Bishop, Lee, Daugherty and Malone -- were directed to take a taxi to Nashville; they arrived at 9:00 p.m. Crew member Mingle (and, per the Organization, Reffeggee) accompanied the wrecking outfit back to its home base, arriving and being relieved from duty at 2:00 a.m. Claims were initiated for Fielder, Bishop, Lee and Daugherty for the five hours difference between their arrival and the return of the wrecking outfit and other crew member(s). (Carman Malone was overlooked in the filing of the Claim.)

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Award No. 9752
Docket No. 9412
2-L&N-CM-'84


The fact situation in this Award is not at variance in any particularity with Award 9749, Award 9750, and Award 9751 between these same parties. We find the same conclusion applicable here; Rule 108 which states in pertinent part that -- "for wrecks or derailments outside of yard limits, the regular assigned crew will accompany the wrecking outfit" -- is properly applied as in such cases. We find no qualifying provisions that requires application of this provision for travel in one direction and not the other. We do find such literal interpretation applicable only to the regularly assigned crew and not to other carmen called off overtime board, etc.

A W A R D

Claims are granted as set out in the Opinion. See also Awards 9749, 9750 and 9751.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST:


Nancy J. Deyer - Executive Secretary

Dated at Chicago, Illinois this 4th day of January 1984.