

The Second Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

( The Brotherhood Railway Carmen of the  
( United States and Canada AFL-CIO  
Parties to Dispute: (  
( Burlington Northern, Inc.

Dispute: Claim of Employees:

1) That the Burlington Northern, Inc violated the terms of the controlling agreement, specifically Rules 27(a), 83 and 86, when they augmented the Pasco, Washington wrecking crew by the use of Carrier's supervisors and officials at the site of a derailment near Glade, Washington, July 23 and July 24, 1979.

2) That accordingly, the Burlington Northern, Inc. be ordered to additionally compensate Carmen W. M. McCollum and D. L. Simmons in the amount of seventeen (17) hours each at the applicable wrecking rate of time and one half (1-1/2) for service claimed of 7:00 P.M. July 23 through 12:01 P.M. July 24, 1979.

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.

In this dispute concerning assignment of work to other than Carmen, the Carrier raises the same procedural objection as in Award No. 9930. The date of occurrence was July 23-24, 1979. The original claim was dated September 21, 1979, but not received by the Carrier until September 25, 1979.

The Board's reasoning in dismissing Award No. 9930 is equally applicable here.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

ATTEST:

  
Nancy J. Devereaux - Executive Secretary

Dated at Chicago, Illinois, this 6th day of June, 1984