

The Second Division consisted of the regular members and in addition Referee Lamont E. Stallworth when award was rendered.

Parties to Dispute: ( Brotherhood Railway Carmen of the United States and Canada  
( Missouri Pacific Railroad Company

Dispute: Claim of Employees:

1. That the Missouri Pacific Railroad Company violated Note to and Rule 5 of the controlling Agreement when they used Lead Carman J. Anderson to work the job assigned to Carman G. McAuley April 17, 1981 at St. Louis, Missouri.
2. That the Missouri Pacific Railroad Company be ordered to compensate Carman G. McAuley in the amount of eight (8) hours at the punitive (sic) rate for their violation. The punitive (sic) rate is the pro rata rate for work on holidays.

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.

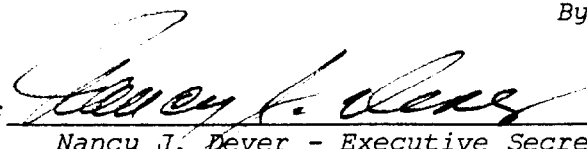
This claim involves the same parties, the identical contract provision, and a similar fact pattern as those which were present in Award 10253 of this Division. The reasoning and findings of that Award are incorporated by reference into this Award. Our position in Award 10253 is reaffirmed and this claim will be sustained on that basis.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:

  
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 6th day of February 1985.