

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

Parties to Dispute: (International Brotherhood of Electrical Workers
(Burlington Northern Inc.

Dispute: Claim of Employees:

1. That in violation of the current Agreement and contrary to many years of past practice, Crew Lineman, D. J. Murphy and J. S. Spencer were arbitrarily denied payment of actual, necessary meal expenses incurred in the service of the Burlington Northern Inc., at Hannibal and Shelby, Missouri, both of which are cities separate (sic), distinct and away from Claimants assigned headquarters at Galesburg, Illinois.
2. That in further violation of the Agreement, specifically Rule 29 paragraph (a), Carrier Officer Mr. Hutchinson failed to properly decline the initial claim and therefore, Carrier stands procedurally defective in the instant dispute.
3. That accordingly, the Burlington Northern Inc., be ordered to reimburse Communication Crew Linemen D. J. Murphy and J. S. Spencer for all meal expenses which were withheld while performing service for the Carrier away from their assigned headquarters as follows: March 1980, J. S. Spencer \$66.10, D. J. Murphy \$64.21. Total amount claimed \$130.31.

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.

Claimants D. J. Murphy and J. S. Spencer are Linemen who, at the time of this dispute, were headquartered at Galesburg, Illinois. They and their Crew Foreman, L. A. Chaplin, were assigned to perform work away from their headquarters but at times within commuting distance of their respective homes. Because of this fact, Carrier subtracted certain meal expenses from Claimants' expense vouchers. It did the same with the expenses requested by the Crew Foreman. Carrier denied these expense requests on the basis that the expenses were incurred off duty, while at home points. The Foreman involved here appealed Carrier's decision to the Fourth Division of the NRAB. With Referee J. B. LaRocco, the Division rendered a sustaining award (Award No. 3938). Since the facts of this case are essentially identical to those submitted to the Fourth Division, this Division sees no basis on which to decide differently. We will therefore sustain the instant claim based on the reasoning and rationale presented in Fourth Division Award No. 3938.

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Award No. 10372
Docket No. 9286
2-BN-EW-'85

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 17th day of April 1985.