

The Second Division consisted of the regular members and in addition Referee John J. Mikrut, Jr. when award was rendered.

(Brotherhood Railway Carmen of the United States
(and Canada

Parties to Dispute: (

(Burlington Northern Railroad Company

Dispute: Claim of Employees:

1. That the Burlington Northern, Inc. violated the provisions of the current controlling agreement when they assigned other than carmen to perform carmen's duties.

2. That accordingly, the Burlington Northern be ordered to compensate Carman L. G. Stokes four (4) hours at the carman welder's pro rata rate.

3. That this violation not be repeated.

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 employees involved in this dispute are respectively carrier and employees 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 facts, circumstances, and arguments of the instant case (save that the precipitating incident occurred at approximately 1:30 P.M. on March 4, 1981, when Laborer E. Hamp used his fork-lift to pick-up, transport and position a coupler body into the "A" end of rail car SL-SF 104757) are identical to those which were presented to the Board in Second Division Award No. 10711. Because of this, and because the Board can see no good or compelling reason which would warrant a deviation from the rationale which was utilized in resolving the previously cited case or the ultimate disposition therein. The instant case will be decided in a similar manner.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 22nd day of January 1986.