

The Second Division consisted of the regular members and in addition Referee Robert W. McAllister when award was rendered.

(Brotherhood Railway Carmen of the United States  
( and Canada

Parties to Dispute: (

(The Baltimore and Ohio Railroad Company

Dispute: Claim of Employes:

1. That the Baltimore and Ohio Railroad Company violated the controlling agreement, specifically Rule 144 1/2, and historical past practice on the property, when on the date of February 23, 1983, Carrier allowed train crews to perform carmens work, Initial terminal air brake test, coupling air hoses, and inspection, while, in fact, carmen were employed and on duty at Haselton Yard, Youngstown, Ohio, such action on the part of carrier, deliberately depriving Claimant, a member of the carmen Craft, Carman, E. Frank, Youngstown, Ohio, of work which he was contractually entitled to perform.

2. That accordingly, carrier be ordered to compensate Claimant, Carman, E. Frank, for all losses arising out of the above referred to violation of the agreement, claiming four (4) hours pay for claimant Frank, at the time and one-half rate of pay.

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 Board finds the reasoning and findings set forth in Award No. 10959 are applicable to the facts of this dispute. For these reasons, we find the Organization has not met its burden of proof and has not established that Rule 144 1/2 is applicable under the circumstances of this case.

Form 1  
Page 2


Award No. 10961  
Docket No. 10793-T  
2-B&O-CM-'86

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:

  
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 27th day of August 1986.