

The Second Division consisted of the regular members and in addition Referee Elliott H. Goldstein when award was rendered.

(Brotherhood Railway Carmen of the United States
(and Canada
Parties to Dispute: (
(Chicago and North Western Transportation Company

Dispute: Claim of Employees:

1. Carmen Gus LaScala, Elmer Carlson, Donald Wilmot, David Bringman, Jim Norris, Gene Miller, John Corio, Jr., and Jerry Dirks were deprived of work and wages to which they are entitled when the Chicago and North Western Transportation Company violated the controlling agreement when it improperly assigned train crews to perform carmen's work of coupling air hose and making air test on September 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30, and October 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22, 1983.

2. That the Chicago and North Western Transportation Company be ordered to compensate the eight Carmen Claimants as follows:

Gus LaScala September 24, 25, October 1, 2, 8, 9,
15, 22, 23

Donald Wilmot September 24, 25, October 1, 2, 8, 9,
15, 22, 23

Elmer Carlson September 19, 21, 22, 23, 25, 26, 27,
28, 29, 30, October 1, 2, 3, 4, 5, 6, 7, 8,
9, 11, 12, 13, 14, 15, 17, 19, 20, 21, 22,
23, 24, 25

David Bringman September 19, 20, 21, 22, 23, 24,
25, 26, 27, 28, 29, 30, October 1, 2, 3, 4, 5,
6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17,
18, 19, 21, 22, 23, 24, 25

Jim Norris September 19, 20, 21, 22, 23, 24, 25,
26, 27, 28, 29, 30, October 1, 2, 3, 4, 5, 6,
7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18,
19, 21, 22, 23, 24, 25

Gene Miller September 19, 20, 21, 22, 23, 24, 25,
26, 27, 28, 29, 30, October 1, 2, 3, 4, 5, 6,
7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18,
19, 21, 22, 23, 24, 25

John Corio Jr. September 19, 21, 22, 23, 24, 25,
26, 27, 28, 29, 30, October 1, 2, 3, 4, 5, 6,
7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 19, 20,
21, 22, 24, 25

Jerry Dirks September 19, 21, 22, 23, 24, 25, 26,
27, 28, 29, 30, October 1, 2, 3, 4, 5, 6, 7,
8, 9, 10, 11, 12, 13, 14, 15, 17, 19, 20, 21,
22, 24, 25

Claim is made in the amount of eight (8) hours pay at the time and one-half rate of pay for each of the foregoing dates, amounting to \$155.44 for each date claimed.

FINDINGS:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee 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 United Transportation Union has declined to intervene.


This Claim arises from the same dispute decided in Second Division Award No. 11059 and Awards cited therein. For the reasons stated in that Award, the instant Claim is denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dexter - Executive Secretary

Dated at Chicago, Illinois, this 29th day of October 1986.