

The Second Division consisted of the regular members and in addition Referee George S. Roukis when award was rendered.

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

Dispute: Claim of Employes:

1. That the Missouri Pacific Railroad Company violated Rules 24, 25 and 102 of the Controlling Agreement when they used Carmen from Fort Worth, Texas, to inspect and repair freight car UPFE 458269 at Durant, Oklahoma, February 8, 1984.

2. That the Missouri Pacific Railroad Company be ordered to compensate Carmen F. G. Goins and L. W. Branan in the amount of eleven (11) hours each at the punitive rate.

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.

In Second Division Award 11399, the Board held that Carrier did not violate Rules 24, 25 and 102 of the controlling Agreement, when Carmen from Fort Worth, Texas were used on February 23, 1984, to inspect and repair freight car UP15236 at Durant, Oklahoma.

The Board also concludes that the December 16, 1970, Coordinative Agreement was not violated under these specific circumstances. In fact, on this last point, the Board concluded that the September 16, 1981, Agreement superseded the 1970 Agreement when all Carmen under the former Texas and Pacific labor contract were brought under the Missouri Pacific Railroad Agreement.


Since the latter Agreement was systemwide and covered all Carmen on the newly consolidated rail system and since by extension, we must presume that the parties contemplated the uniform and orderly administration of the new Agreement, as further evidenced by Sections 2 and 3 of the September 16, 1981 Agreement, we must conclude that the Rules and permissions cited herein were not violated, when Carmen from Fort Worth, Texas were used to inspect and repair freight car UPFE458269 at Durant, Oklahoma on February 8, 1984.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:

  
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Nancy J. Bever - Executive Secretary

Dated at Chicago, Illinois, this 6th day of January 1988.