

The Second Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

PARTIES TO DISPUTE: ((Brotherhood Railway Carmen/Division of TCU
(Southern Railway Company

STATEMENT OF CLAIM:

1. That under the current Agreement the Carrier violated Rule 35 when it deducted one (1) day's pay from Carman H. T. Conger's pay period of May 30, 1987.

2. That the Carrier be ordered to repay Carman H. T. Conger one (1) day's pay at the straight time 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 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.

In early 1988 it was discovered that Claimant was paid twice for work on the same shift on May 30, 1987. This occurred because his Foreman submitted two time tickets for the same shift. Carrier recouped the overpayment from Claimant's paycheck issued April 15, 1988. The Organization filed a Claim contending that its Agreement was violated when the overpayment was recovered.

We have carefully examined the entire record in this matter and reviewed the Rules relied on by the Organization in support of its Claim. We are not persuaded that the Agreement was violated when Carrier recouped the overpayment.

The Claim will be denied.

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Award No. 11960
Docket No. 11782
90-2-89-2-99

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 28th day of November 1990.