

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
(Norfolk and Western Railway Company

STATEMENT OF CLAIM:

1. That the Norfolk and Western Railway Company violated Rules 110, 30, Article V of the September 25, 1964 Agreement, Article VI of the November 19, 1986 Agreement, when they assigned and allowed other than Carmen to perform the duties of roll-by inspections of trains and cars inside Elmore-Mullens Terminal, West Virginia.

2. That because of such violation, the Norfolk and Western Railway Company be ordered to compensate Carmen R. M. Lawrence, R. G. Hall, C. W. McKinney, D. F. Jones, W. E. Ford, J. E. Miller, E. W. Dehart, C. J. Bickford, A. F. Taylor, J. W. White, M. F. Mills and R. D. Cook, whose names are maintained on the extra and overtime boards at Elmore, WV, the amount of twenty-three (23) calls at two (2) hours and forty (40) minutes at time and one-half carmen's rate of pay to be divided equally between the aforementioned claimants.

3. That the work of inspecting trains and/or cars, whether standing or roll-by inspection, be restored and returned to carmen who hold exclusive contractual rights to same.

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.

As Third Party in Interest, the United Transportation Union was advised of the pendency of this dispute but did not file a response with the Division.

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Award No. 12009
Docket No. 11822-T
91-2-89-2-168

In our Award 12008 we considered and denied a Claim identical to that under review in this Docket. Award 12008 will be followed here.

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 20th day of February 1991.