

The Second Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

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

STATEMENT OF CLAIM:

1. That the Southern Railway Company violated Rule 135 and Article VII - Wrecking Service, of the Current Agreement when the carrier failed to call Carman A. E. Foster (Senior Derrick Engineer) and Carman E. Dawson (No. 2 Senior Groundman) when the Macon derrick was called at approximately 2:00 p.m. on December 5, 1988 for a derailment at Midville, Georgia.

2. That accordingly, the Southern Railway Company be ordered to pay Carmen A. E. Foster and E. Dawson three (3) hours pay at the overtime rate for the Company's violation of Rule 135 and the Wrecking Service Agreement of December, 1974, Page 89 of the Current Agreement.

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.

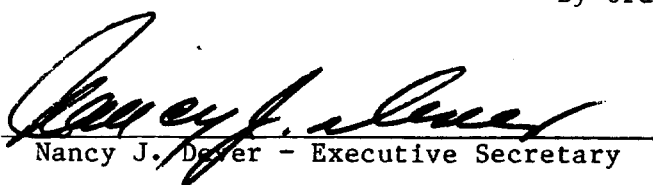
On December 5, 1988, a locomotive derailed at Midville, Georgia. The record shows that the on-duty Macon, Georgia derrick crew was notified to prepare its equipment for possible movement. However, the Savannah Shop forces were dispatched to the site of the derailment and, in fact, rerailed the locomotive. Given these facts and in light of the fact that the Macon derrick actually did not depart the yard (and, thus, did not perform any work), the Claim lacks merit and must be denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:

  
Nancy J. Dwyer - Executive Secretary

Dated at Chicago, Illinois, this 24th day of July 1991.