Form 1 NATIONAL RAILROAD ADJUSTMENT BOARD Award No. 12330
SECOND DIVISION Docket No. 11970-T
92-2-90-2-126

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

PARTIES TO DISPUTE: (International Brotherhood of Electrical Workers
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(Missouri Pacific Railroad Company

STATEMENT OF CLAIM:

1. That the Missouri Pacific Railroad Company violated Rule 107(a) of the June 1, 1960 controlling agreement, Article III of the September 25, 1964 National Agreement, and the Letter of Understanding dated December 12, 1979, when Electrical Foreman W. L. Ables assigned himself at approximately 10:10 p.m. to perform electricians' work on July 27, 1989, thus depriving Electrician M. L. Buddenberg of his contractual rights under the provisions of the Agreements at North Little Rock, Arkansas.

2. That accordingly, the Missouri Pacific Railroad Company be ordered to compensate Electrician M. L. Buddenberg four (4) hours at the straight time rate for July 27, 1989.

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 American Railway and Airway Supervisors Association were advised of the pendency of this dispute, but did not file a Submission with the Division.

The Organization claims that, on July 26, 1989, a Foreman inspected Locomotive 3184 using a test light to determine whether there was a proper or faulty ground in the fuel pump circuit.

The Carrier, in rejecting the Claim, mainly contends that the Foreman went to the locomotive to determine the nature of the problem and where the repairs would be made. In that he did not have any tools, test light or print, the Carrier submits he clearly did not perform work that was not a part of his normal duties.

From our review of the record developed on the property, we cannot determine with any degree of certainty what action the Foreman took. Therefore, we will dismiss the Claim.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 27th day of May 1992.