

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
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(Southern Railway Company

STATEMENT OF CLAIM:

1. That the Southern Railway Company violated Rules 134, 135 and Article VII - Wrecking Service, of the current Agreement on June 14 and June 19, 1989 when they failed to assign or call Carman E. Dawson, an assigned derrick groundman, to derailments at Palmer and Wadley, Georgia respectfully. Further, that the Southern Railway Company specifically violated the terms, conditions, provisions and intent of the above quoted rules when they assigned Carman D. G. Woodall, the assigned derrick engineer, to duties of a groundman on the above referenced dates.

2. That the Southern Railway Company be ordered to compensate Carman E. Dawson in the amount of eleven (11) hours at the overtime rate in effect on June 14 and 19, 1989, this being the actual number of hours that he was entitled to work at the derailments as listed; and that all future rights as groundman positions at Macon, Georgia be fully protected.

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.

The Claim in this docket involves the same two derailments of June 14 and 19, 1989 as those dealt with in our Award 12360 decided this date. The only difference in this Claim is a contention of the Organization that not only was the work performed in Macon territory but that the Agreement was further violated when a derrick engineer was used as a groundman. This Board has rejected the territorial contentions of the Organization in Award 12360 and our reasoning will not be repeated here. With respect to the allegation that a derrick engineer was improperly used as a groundman, the Board has

searched the submission of the Organization and fails to find that it has cited a single rule which would suggest that this procedure was an Agreement violation. Accordingly, the Claim must be denied.

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 1st day of July 1992.