

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12444
Docket No. 12284
92-2-91-2-75

The Second Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

PARTIES TO DISPUTE: (Brotherhood Railway Carmen/ Division of TCU
(
(Chicago and North Western Transportation Company

STATEMENT OF CLAIM:

1. Carmen Gene Miller and Mark Story, Council Bluffs, Iowa, were denied the right to exercise their seniority for a job of their choice with a preferred shift and rest days account the Chicago & North Western Transportation Company violated Rules 14, 16 and 21 of the controlling agreement when it failed to bulletin Job 008 - Freight Car Repairer, 8:00 p.m. to 4:30 a.m. at Council Bluffs, Iowa on November 7, 1989. Carrier also violated Rule 29 (time limits) when Carrier failed to answer original claim submitted within the 60-day time limit.

2. Accordingly, Carmen Gene Miller and Mark Story be compensated eight (8) hours per day at the time and one-half rate of pay for each work day held off Jobs 008 and 015 dating from December 3, 1989 to December 31, 1989 and each work day thereafter as this is a continuous claim.

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.

Except as to claimed dates, the Claim is identical to that reviewed in Second Division Award 12443. Since that Award was recognized as a continuing Claim encompassing the Claim herein, no action by the Board is required.

A W A R D

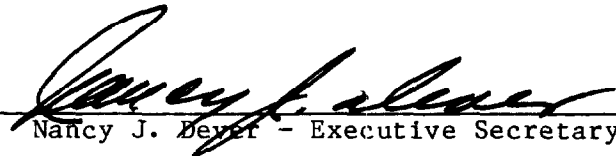
Claim dismissed.

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NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Deyer - Executive Secretary

Dated at Chicago, Illinois, this 30th day of September 1992.