

CORRECTED

Form 1 NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12482
Docket No. 12057-T
92-2-90-2-231

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
(
(CSX Transportation, Inc. (formerly
(the Chesapeake and Ohio Railway Company)

STATEMENT OF CLAIM:

1. That the Chesapeake & Ohio Railroad Company (CSX Transportation, Inc.) (hereinafter "carrier") violated the provisions of Rules 32 and 154 of the Shop Crafts Agreement between Transportation Communications International Union - Carmen's Division and the Chesapeake & Ohio Railroad Company (CSX Transportation, Inc.) (revised June 1, 1969) and the service rights of Carman F. C. Crum and Carman Helper G. E. Abrams (hereinafter "claimants") when the carrier utilized Blacksmith Craft employees to perform Carmen's work in the Fabrication Shop.

2. That, accordingly, the claimants are entitled to be compensated for twenty-four (24) hours each and an additional sixteen (16) hours each for 150 hoods that are gang punched.

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 employees involved in this dispute are respectively carrier and employe 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 International Brotherhood of Boilermakers and Blacksmiths was advised of the pendency of this dispute, but did not file a Submission with the Division.

This Claim was initiated on June 27, 1986, when Carrier assigned members of the Blacksmith craft to punch steel car hoods on a metal press located in the Blacksmith Shop at its Raceland, Kentucky, freight car building/rebuilding/repair facility. The Organization contends that the work should have been assigned to members of its craft.

Carrier defends against this Claim on a variety of grounds, among them that the matter is a jurisdictional work dispute, which under the Agreement must be settled by the General Chairmen of the crafts competing for the work before it may be submitted to the Carrier for resolution. On the showing that this was not done, Carrier asks that the Claim be dismissed.

In Second Division Award 12232, involving this Organization and this Carrier, but work being performed by Sheet Metal Workers, arising at the same facility as that involved here, the Board concluded that a similar Claim which was not handled in accordance with Supplement No. 6 of the Agreement was required to be dismissed. We do not find Award 12232, and those cited therein, to be in palpable error. It will be followed here.

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 18th day of November 1992.