

The Second Division consisted of the regular members and in addition Referee Edward L. Suntrup when award was rendered.

PARTIES TO DISPUTE: (Brotherhood Railway Carmen/Division of TCU  
(CSX Transportation, Inc.(formerly Chesapeake  
and Ohio Railway Company)

STATEMENT OF CLAIM:

"1. That the Chesapeake & Ohio Railroad Company (CSX Transportation, Inc.) (hereinafter referred to as "carrier") violated the service rights of Carman F. Bias (hereinafter referred to as "claimant") and the provisions of Rule 27 of the controlling Agreement when on November 25, 1987 the carrier, at the end of claimant's regular shift assignment, informed the claimant not to report back until January 4, 1988 and not allowing the claimant a proper five (5) day notice of furlough.

2. Accordingly, the claimant is entitled to be compensated for five (5) days pay at the applicable straight time for said violation."

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.

This claim is identical with respect to facts, applicable Agreement provisions and positions of the Parties with the Claim recently decided by this Board in a companion case.

For the same reasons fully developed in Second Division Award 12487, the present Claim likewise must be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:

  
Nancy J. Bever - Executive Secretary

Dated at Chicago, Illinois, this 9th day of December 1992.