

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12508
Docket No. 12130
93-2-90-2-267

The Second Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

(Brotherhood Railway Carmen
(Division/TCU
PARTIES TO DISPUTE: (
(Southern Railway Company

STATEMENT OF CLAIM:

- "1. That the Southern Railway Company violated Rules 42, 132, 134, 135 and 145 of the current Agreement when they failed to send Carman R. D. Taylor for a derailment at Nathalie, Virginia on November 7, 1989.
2. That the Southern Railway Company now be ordered to pay Carman R. D. Taylor thirteen (13) and one quarter (1/4) hours pay at the overtime rate for the violation of Rules 42, 132, 134, 135 and 145 of the Agreement."

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 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.

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Claimant seeks compensation account not used in connection with the rerailment of a car at Nathalie, Virginia, November 7, 1989. Claimant is employed at Linwood, North Carolina. Nathalie, Virginia, is located in a different seniority district. Claimant has not demonstrated an entitlement to any of the work performed in the rerailing operation. The Claim is without merit. It will 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 3rd day of February 1993.