

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12567
Docket No. 12223
93-2-91-2-7

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 TCU
(
(CSX Transportation, Inc. (former 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 R. Sudderth (hereinafter referred to as 'claimant') and the provisions of Rule 11 of the controlling Agreement when the carrier worked Carman J. K. Frasure, who is junior to the claimant and was not on the established overtime board, in violation of Rule 11 of the Shop Crafts Agreement.
2. Accordingly, the claimant is entitled to be compensated for eight (8) hours pay at the applicable time and one-half rate 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 employee or employees involved in this dispute are respectively carrier and employee 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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The dispute in this Docket is another Claim concerning Carrier's use of a employee not on the Painter's overtime list at the Raceland Car Shop during 1988. In Second Division Awards 12332, 12333 and 12334 the claim of the Organization was sustained. The facts and arguments in this Docket do not support a different result. This Claim will be sustained, but at the straight time rate.

A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:

Catherine Loughrin

Catherine Loughrin - Interim Secretary to the Board

Dated at Chicago, Illinois, this 8th day of September 1993.