

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISIONAward No. 12594
Docket No. 12458
93-2-91-2-268

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
(
(Chicago and North Western Transportation
(Company

STATEMENT OF CLAIM:

- "1. Carman Richard Ponte and Fred Kammermeyer, East Minneapolis, Minnesota, were deprived of work and wages to which they were entitled when the Chicago & North Western Transportation Company violated the controlling agreement on June 12, 1990 at the Western Avenue Yard when the Carrier used other than Carmen to load freight car CGW 1136 onto a flat car in violation of Rules 30, 58, 60 and 76.
2. Accordingly, Carmen R. Ponte and F. Kammermeyer are entitled to be compensated four (4) hours pay at the overtime rate of \$21.12 per hour for a total of \$84.48 each."

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.

One of Carrier's Engineering Department cranes was used to hoist a gondola that was being scrapped onto a flatcar for disposal. Three members of the Carmen's craft performed the hook-ups and tie-downs. The instant claim was filed by two other Carmen who contended that they should have been used also. The Board does not agree. The work involved was not a derailment or wreck. It was the removal of a car being scrapped. Adequate Carmen were on

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duty at the scene and performed the work of the Carmen's craft.
The claim is without merit.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Catherine Loughrin
Catherine Loughrin - Interim Secretary to the Board

Dated at Chicago, Illinois, this 13th day of October 1993.