

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12751
Docket No. 12687
94-2-93-2-77

The Second Division Consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

(Brotherhood of Railway Carmen/Transportation
(Communications International Union
PARTIES TO DISPUTE: (
(Midsouth Rail Corporation

STATEMENT OF CLAIM:

- "(a) The Southrail Corporation violated the Agreement when it failed to properly compensate all carmen affected by the National Freight Lock-out.
- (b) The Carrier will now compensate all carmen who were not properly paid on July 10, 1992, in an amount equal to what such employees would have earned had they not been prohibited by Carrier from performing regular service.
- (c) Proper payment, as outlined above, will also restore any and all benefits which would have normally been provided."

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.

The essential facts and circumstances in this Docket are the same as those in Second Division Award 12750.

For the same reasons as discussed in Award 12750, this claim is denied.

Form 1
Page 2

Award No. 12751
Docket No. 12687
94-2-93-2-77

AWARD

Claim denied

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

National Railroad Adjustment Board
By Order of Second Division

Dated at Chicago, Illinois, this 13th day of September 1994.