

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Form 1

Award No. 12816
Docket No. 12707
94-2-93-2-28

The Second Division consisted of the regular members and in addition Referee Joseph A. Sickles when award was rendered.

PARTIES TO DISPUTE:

(International Association of Machinists
(and Aerospace Workers
(
(
(Consolidated Rail Corporation

STATEMENT OF CLAIM:

- "1. The Consolidated Rail Corporation violated the Rules of the Controlling Agreement of May 1, 1979, and particularly Rule(s) 5-F-1, Scope, Appendix "C", and Past Practice and Customs.
2. Accordingly, Machinist R. Seltzer is entitled to the payment as requested an additional eight (8) hours pay at the applicable rate for the day of April 4, 1990 because on this day, 4/4/90, at the instance of the Carrier, Central Penn Retreaders came onto the property at the Enola Car Shop and replaced a tire on the Pettibone Crane."

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.

Form 1
Page 2

Award No. 12816
Docket No. 12707
94-2-93-2-28

Our review of this Docket confirms the allegations of the parties that this dispute raises the same matters considered and disposed of in Award 12806.

For the reasons specified in Award 12806, we will deny the claim.

A W A R D

Claim denied.

O R D E R

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

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Dated at Chicago, Ill. this 26th day of January, 1995.