

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISIONAward No. 12939  
Docket No. 12652  
95-2-93-2-39

The Second Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

PARTIES TO DISPUTE: (International Brotherhood of Electrical  
( Workers, System Council No. 6  
(  
(CSX Transportation, Inc. (former Louisville  
( and Nashville Railroad Company)

STATEMENT OF CLAIM:

"1. That the CSX Transportation, Inc., (formerly Louisville and Nashville Railroad Company) failed to deny claims covering the dates of March 8 thru 28 and March 30 thru April 15, 1991 and thereafter refused to allow same, thus violating Article V of the August 21, 1954 amendment to the working Agreement which requires Carrier to deny claim within sixty (60) days or allow claim as presented.

2. That the CSX Transportation, Inc. (formerly Louisville and Nashville Railroad Company) be ordered to compensate Electrician J. P. O'Leary eight (8) hours compensation at his standard rate of pay for each claim date from March 8 thru 28; and March 30 thru April 15, 1991."

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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This dispute is similar to that reviewed in Second Division Award 12938 except that it involves a different Claimant.

The claim is limited to an alleged violation of Article V, Section 1(a) and the Board reaches the same conclusion as in Award 12938.

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 23rd day of August 1995.