

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISIONAward No. 13007
Docket No. 12835
96-2-93-2-200

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

(Brotherhood Railway Carmen Division
(Transportation Communications
(International Union
PARTIES TO DISPUTE: (
(Indiana Harbor Belt Railroad Company

STATEMENT OF CLAIM: "Claim of the Committee of the
Union that:

1) That the Indiana Harbor Belt Railroad Company violated the current Working Agreement when it failed to properly compensate the following Carmen: J. Hubbard, E. F. Beyer, L. F. Lohrbrach, R. W. Keith, D. L. Braizer, P. G. Panos, D. J. Moll, S. R. Marsh, D. J. Justice, C. Terry, G. C. Bieleedt, R. Kraft, J. A. Fanucci, R. A. Blouda, R. J. Coyne, J. W. Mathews, C. R. Mullins, R.D. Hoover, C. J. Tidball, D. S. Skocik, D. J. Brander, R. D. Wiksten, M. G. Hendrick, G. L. Delsasso, M. A. Garza, P. H. Lapellere, J. R. Shasteen, J. Washington, S. Calvano, D. Brachle, W. A. Rosinski, B.L. Bostick, D. A. Dust, C. R. Cullers, A. J. Soria, W. J. Schmeier III, and L. G. Kool, at the current pro rata, rate of pay from June 25, through 28, 1992, affected by the National Frieght Lock-Out.

2) That the Indiana Harbor Belt Railroad Company be ordered to compensate all Carmen in above item one (1), who were not properly paid on July 9, 1992 in an amount equal to what such employees would have earned had they not been prohibited by the Indiana Harbor Belt Railroad Company, from performing regular Carmens work, who were all available, qualified and willing to work.

3) Proper payment as outlined above, will also restore any and all benefits which would have normally been provided."

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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.

Except as to location (Blue Island rather than Gibson) and the Claimants involved, this dispute is identical to that reviewed in Second Division Award 13006. The Board reaches the same conclusion here as in that Award.

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 10th day of July 1996.