

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

**Award No. 13103
Docket No. 12909-T
97-2-94-2-70**

The Second Division consisted of the regular members and in addition Referee Robert M. O'Brien when award was rendered.

**(Brotherhood of Railway Carmen, Division of
(Transportation Communications International Union**
PARTIES TO DISPUTE:(
**(CSX Transportation, Inc. (former Baltimore and
(Ohio Railroad Company)**

STATEMENT OF CLAIM:

"Claim of the Committee of the Union that:

- 1. That the Carrier violated Rule 138; of the controlling Agreement as revised and reprinted January 1, 1980, on February 11, 1992 when Carmen's Classification of work was performed by a Machinist Helper.**
- 2. That the Carrier be ordered to pay Carman J.P. Coffman the amount of two (2) hours and forty (40) minutes call time."**

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 were given due notice of hearing thereon.

As Third Party in Interest, the International Association of Machinists and Aerospace Workers was advised of the pendency of this dispute and chose to file a Submission with the Board.

On February 11, 1992, Carman Hamilton was instructed to repair a cab seat on Locomotive 8441 at the Carrier's Cumberland, Maryland, Locomotive Shop. A Machinist Helper was assigned to assist Carman Hamilton in effecting this repair. The Organization contends that Rule 138 of the Agreement was violated when a Machinist Helper was assigned to assist Carman Hamilton rather than another Carman. It submitted a claim for two hours and 40 minutes on behalf of the Carman who allegedly should have been called to assist Carman Hamilton with repairing the locomotive cab seat.

It is instructive to note the Rule 138 does not expressly reserve the aforementioned work performed by a Machinist Helper at the Cumberland Locomotive Shop to Carmen. Nor is there any evidence that Carmen on this property have exclusively performed this work by custom, practice or tradition. Moreover, all the Machinist Helper did was assist Carman Hamilton lift the cab seat from the trunnion and set another cab seat back on. It took approximately 10 minutes for the Machinist Helper to complete this assignment. Thus, even if this work was exclusively reserved to the Carmen's craft it was so de minimis that a Carman would not have been called to perform it.

For all these reasons, the claim must be denied.

AWARD

Claim denied.

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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 7th day of March 1997.