

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13307

Docket No. 13111

98-2-96-2-7

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

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

STATEMENT OF CLAIM:

- "1. That the Louisville and Nashville Railroad Company, (now a part of CSX Transportation) violated the contractual rights under Rules 29, 30 and 104 of furloughed Loyall, KY Carmen T.G. Tolliver, S.D. Wood, and D.D. Stephens, when on August 25 and 27, 1992, and September 1, 2, 5, 15, 21, and 28, 1992, Carrier sent carmen from Corbin, KY seniority point to claimants Loyall, KY seniority point to inspect, make repairs, and close hopper doors on coal hopper cars at Loyall, KY.**
- 2. Carrier should now be ordered to compensate furloughed Loyall, KY Carmen T.G. Tolliver for 8 hours overtime on August 25, 1992, 8 hours overtime on September 1, 1992, 7 1/2 hours overtime on September 5, 1992 and 7 hours overtime on September 21, 1992; S.D. Wood for 5 hours overtime on August 27, 1992, 6 1/2 hours overtime on September 2, 1992, and 7 1/2 hours overtime on September 15, 1992; and D.D. Stephens for 3 1/2 hours overtime on August 27, 1992, 9 1/2 hours overtime on September 1, 1992, and 8 hours overtime on September 28, 1992."**

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.

In August 1992, the Claimants were employed as Carmen at the Carrier's Loyall, Kentucky, facility. At the end of that month, they were furloughed because of a decline in the Carrier's business. However, the Claimants were provided the opportunity to transfer to Corbin, Kentucky, one of the Carrier's large transportation facilities. (It deserves to be noted here that Loyall is a very small transportation yard which had only one Carman working subsequent to August 1992.)

The claims at issue occurred because on eight dates in August and September, the Claimants were required to perform work at Loyall. The dispute is whether the Carrier was contractually required to use Corbin Carmen (who had been furloughed from Loyall and held Loyall seniority) before sending Corbin Carmen (who held no Loyall seniority to work at Loyall).

As best as we can ascertain from the record, approximately 64 man-hours of work was performed over a 33-day period. While the record is not sufficiently conclusive as to the exact nature of the work performed (whether it was closing hopper doors or routine car inspecting and repair work) we find that the work which was performed was insufficient to justify recalling Carmen from furlough. (See Second Division Award 13102).

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 6th day of August 1998.