

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13474

Docket No. 13399

99-2-98-2-87

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: (
(CSX Transportation, Inc. (former Baltimore & Ohio
(Railroad Company)

STATEMENT OF CLAIM:

“Claim of the Committee of the Union that:

1. That the Carrier violated the T.C.U. Agreement at Cincinnati Ohio on 10-8-97 when it willfully violated Local Agreement when they failed to call the assigned wreck crew.
2. That the Carrier make whole the assigned wreck crew member for this violation of the Agreement rule and pay the time lost of eight (8) hours and thirty (30) minutes time and one half to Carman R. W. Barnett.”

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.

This claim is closely similar to that reviewed in Second Division Awards 13388 and Award 13473. Here, the Organization argues that, even after the Hoesch wrecking equipment had been transferred to another location, the provisions for calling wreck crew members remain in effect. There is no support for this view, because the "Hoesch Truck Call Procedure" was clearly written to cover employee assignment solely to that equipment.

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 24th day of November 1999.