

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13773

Docket No. 13603

03-2-01-2-3

The Second Division consisted of the regular members and in addition Referee Margo R. Newman when award was rendered.

PARTIES TO DISPUTE: (Brotherhood Railway Carmen Division
(Transportation Communications International Union
(Springfield Terminal Railway Company

STATEMENT OF CLAIM:

“Claim of the Committee of the Union that:

- (1) The Springfield Terminal Railway Company violated the terms of our current agreement, in particular Rule 2 when they arbitrarily allowed strangers to the agreement to repair freight cars in Rigby Yard, South Portland, ME.
- (2) That, accordingly, the Springfield Terminal Railway Company be ordered to compensate Carman Mark C. Derocher in the amount of one (1) hour pay, at the overtime rate.”

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.

The instant claim, filed on December 15, 1999, alleges a violation of the Classification of Work Rule by the Carrier's permitting other than Carmen to weld on the side door of one boxcar owned by GE Railcar in Carrier's Rigby Yard on October 21, 1999, work which the Organization contends is reserved to Carmen by Agreement language.

This claim raises the issue of whether the Carrier retained sufficient control over the contracting and disputed work solely by permitting it to be performed on a cleanout track on its property so as to find the work covered by the Classification of Work Rule in the Agreement. Except as to date and number of the Claimants, this dispute is identical in facts and on property processing to that reviewed by the Board in Second Division Award 13771, and, for the reasons set forth therein, the Board reaches the same conclusion.

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 October 2003.