

Award No. 13054

Docket No. MW-13285

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

John H. Dorsey, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

**THE NEW YORK, CHICAGO AND ST. LOUIS
RAILROAD COMPANY**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(1) The Carrier violated the effective agreement when it assigned the work of dismantling the roundhouse building at Muncie, Indiana, to a general contractor whose employees hold no seniority within the scope of the agreement between the carrier and the Brotherhood of Maintenance of Way Employees.

(2) B&B employees C. O. Tidler, E. C. Guy, Fred Bales, William Kattness, Porter Lane, Donald D. Perkins, Donald Skinner, Lloyd Perry, John B. Corlew, Cleo Badgley, Oliver Hawk, Robert Norbeck, Alvin J. Taylor, Lewis A. Mason, Noel W. Gulley, W. H. Reecer, John Cable, Thomas P. O'Rourke, Ernest Paul Burch, Harold McDonald, Ozzie Lee and Wiley Coats each be allowed pay at their respective straight time rates of pay for an equal proportionate share of the total number of man hours consumed by the contractor's forces in performing the work referred to in part (1) of this claim.

EMPLOYES' STATEMENT OF FACTS: The factual situation in this case was fully and accurately set forth in the letter of claim presentation which reads:

"April 20, 1960

Mr. R. F. Miller, Bridge & Building Supervisor
Lake Erie & Western District
Nickel Plate Railroad Company
Frankfort, Indiana

Dear Sir:

Claim is presented as follows:

Statement of claim.

1. The carrier violated the agreement when on or about April 7, 1960 it allowed and/or permitted the dismantling of the carrier engine

abandoned. They were accordingly demolished and hauled away by an outsider who wanted the salvage material.

The Carrier has shown that the claim is wholly without merit and should be declined.

(Exhibits not reproduced.)

OPINION OF BOARD: The parties and the issues in this case are the same as in Award No. 13052. For the reasons given and findings made in that Award we will deny the Claim in this case.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That Carrier did not violate the Agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 13th day of November 1964.