

Award No. 13609
Docket No. MW-13450

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Don Hamilton, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

**DULUTH, MISSABE AND IRON RANGE
RAILWAY COMPANY**

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

(1) The Carrier violated the Agreement when it made force reductions in the Track Department on the Missabe Range Division and on the Iron Range Division prior to the conclusion of a work week during the month of November, 1960.

(2) Each employe identified as a claimant in the two (2) letters of claim presentation dated January 3, 1961 now be allowed eight hours of straight-time pay for each day of furlough which occurred prior to the conclusion of their respective work weeks in 1960.

EMPLOYEES' STATEMENT OF FACTS: The facts involved in the subject claim are fully outlined in the two (2) letters of claim presentation which read:

"January 3, 1961
File IR - T - 11

Mr. C. W. Rosen, Payroll Accountant
Duluth, Missabe & Iron Range Railway Co.
Wolvin Building
Duluth, Minnesota

Dear Sir:

Claim is presented as follows:

STATEMENT OF CLAIM:

1. The Carrier violated the effective agreement, particularly Rule 13 (b), when it made force reductions in the Track Department, Iron Range Division, prior to the conclusion of the work week during the month of November, 1960;

2. The Carrier may abolish positions and reduce forces provided Carrier adheres to the provisions of the Mediation Agreement dated October 7, 1959 and provides the employees affected with a 96-hour prior notice of force reduction or abolishment of positions.
3. The Carrier has provided sufficient proof that it has abolished positions and reduced forces prior to the end of the work week (see Exhibit E).

The Carrier respectfully requests that your Honorable Board sustain the position of the Carrier and deny the claim of the Employees, as it has been clearly shown in the foregoing that there is no substance to the claim of the Employees in this docket.

(Exhibits not reproduced.)

OPINION OF BOARD: A discussion of the issues presented in this claim is to be found in Award 13016. That case also involved these identical parties. We adopt the decision in the prior case as determinative of the issues involved in the instant dispute, and affirm the opinion cited therein.

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 the Agreement was violated.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 21st day of May 1965.