

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19323  
Docket Number MW-19292

Gene T. Ritter, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees  
(Delaware & Hudson Railway Company)

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

(1) The Carrier violated the Agreement when it assigned and used carpenters to perform steel bridgemen's work in connection with repairing Bridge 176.36 at West Chazy, New York on October 16, 1969. (System Case No. 7.70 MW)

(2) Steel Foreman G. H. Rosenberger and Riveters J. D. Dougherty, G. Crispell and E. W. Conway each be allowed eight (8) hours pay at their respective straight time rates because of the violation referred to in Part (1) of this claim.

OPINION OF BOARD: For the reason that the involved bridge was in a serious state of deterioration, it was decided to reinforce the cap by bolting a pair of steel channels to it. These channels were purchased from a Steel company who cut them to size, drilled the necessary bolt holes and delivered them to the bridge site. On the claim date, the Carpenter Gang assigned to the Champlain Division put the channels into place, drove holes in the wooden cap, and installed the necessary bolts to hold the channels in place. The involved work is being claimed in this action by Claimants, Steel Bridge Men. This claim will be denied for the reason that the steel channels were used only to reinforce the deteriorated bridge cap. The Carpenter Gang merely positioned the channels on either side of the timber cap, drilled holes through the cap, and bolted the channels to the cap. Carrier's Steel Bridge Men were not involved in the construction of the wooden bridge nor have they been involved in the maintenance or repair of this structure.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

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;

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

That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

*E. G. Killen*  
Executive Secretary

Dated at Chicago, Illinois, this 30th day of June 1972.