

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19419
Docket Number MW-19143

Arthur W. Devine, Referee

(Brotherhood of Maintenance of Way Employees
PARTIES TO DISPUTE: (
(Louisville and Nashville Railroad Company

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

(1) The Carrier violated the Agreement when it assigned other than Track Department forces to perform the work of cutting right-of-way under signal and telephone lines at Columbia Wye, North Athens, from North Athens to Prospect Junction, in the vicinity of M.P. 264, from M.P. 407 to 408 and from M.P. 454 to M.P. 455 on September 16, 17, 18, 19, 26 and October 1, 2, 3, 6, 9, 12, 13, 14, 17, 20, 21, 28 and 31, 1969. (System File E-304-12)

(2) Because of the violation referred to in Part (1) of this claim:

(a) Section Foreman B. A. Franklin, and Section Laborers W. H. Horron and E. K. Black each be allowed eighty-two (82) hours' pay at their respective straight time rates.

(b) Section Foreman L. M. Atchison and Section Laborers D. E. Thornburg, J. Ross and A. Glen each be allowed sixteen (16) hours' pay at their respective straight time rates.

(c) Section Foreman L. G. Culver and Section Laborers C. Oliver and F. Clakely each be allowed twenty-four (24) hours' pay at their respective straight time rates.

OPINION OF BOARD: The issues involved in this dispute are the same and between the same parties as were involved in Award No. 19418. That Award is controlling herein. Accordingly, the claim is dismissed.

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 Employee involved in this dispute are respectively Carrier and Employee 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

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That the Claim be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

E. A. Killen
Executive Secretary

Dated at Chicago, Illinois, this 29th day of September 1972.