

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19856

Docket Number MW-19684

Joseph A. Sickles, Referee

(Brotherhood of Maintenance of Way Employees

PARTIES TO DISPUTE: (

(J. F. Nash and R. C. Haldeman, Trustees of the Property of
(Lehigh Valley Railroad Company, Debtor

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

1(a) The Carrier violated the Agreement when it assigned the work of removing lumber storage racks (rails supported by concrete pedestals) at Sayre, Pennsylvania to car repairmen.

1(b) The Agreement was further violated when the work of lining the car inspector's building at Sayre, Pennsylvania with plywood, installing doors and other related work was assigned to car repairmen.

2(a) Foreman Russell L. Rudloff, Welder Roper E. Williams, Carpenter George C. Curtis and Carpenter Helper Milton D. Werkheiser each he allowed 144 hours' pay at their respective straight time rate of pay because of the violation referred to within Part 1(a) of this claim.

2(b) Foreman Russell L. Rudloff and Carpenter Gene T. Gabriel each he allowed 152 hours' pay at their respective straight time rates because of the violation referred to within Part 1(b) of this claim.

OPINION OF BOARD: The material facts which initiated this claim are uncontroverted.

The Carrier permitted Car Department employees to: (1) dismantle and remove Lumber storage racks at the West end of the lumber shed adjacent to the car repair yards at Sayre, Pennsylvania and; (2) remodel car inspector's building at Sayre, Pennsylvania by lining said building with plywood, installing doors and other related work.

Initially, Carrier urges dismissal of the claims, on procedural grounds, because the Organization combined the above claims in its submission to the Board, while they were handled separately on the property. We find no merit in Carrier's argument that consolidation of the claims in one Submission fails to satisfy, procedurally, Section 3, First (i), of the Railway Labor Act:

"Such consolidation of like claims in one Submission is to be encouraged. It permits expeditious handling by the Board in that it avoids a multiplicity of cases presenting the same issue." Award 12424(Dorsey)

See also Awards 15147 (Hall), 15221 (Devine), and 15383 (Ives).

While the Scope Rule in question may not specifically detail all of the work which falls within the Agreement, the Board, upon the facts presented, and upon consideration of the record as it was developed on the property, must conclude that the dismantling of the lumber storage racks and remodeling of the car inspector's building - by **carmen** - constituted an invasion of the Maintenance of **Way** Employees' field and, therefore, an Award sustaining the **claim** is warranted.

However, the record does reveal **a dispute** as to the number of hours required to perform the work in question. Concerning removal of lumber storage racks, Petitioner initially claimed 144 hours each for four claimants. On the property, Carrier replied that the Job had required 264 hours. The **Organiza-**tion failed to offer evidence to rebut that figure. Concerning the remodeling Job, Petitioner initially claimed 152 hours each for two claimants. On the property, Carrier replied that the job consumed a total of **80** hours. The Organization failed to offer evidence to rebut that figure. Accordingly, we find that the total man hours involved for removal of lumber storage racks was **26½** hours, and the total man hours involved in **the** remodeling was **80** hours.

On the basis of the foregoing, we will sustain the claim, **as** indicated.

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** 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

That the Agreement was violated as indicated in the Opinion.

A W A R D

Claim 1(**a**) is sustained.

Claim 1(**b**) is sustained.

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Claim 2(a) is sustained to the extent of 264 hours, at straight time pay, to be pro rated between the Claimants.

Claim 2(b) is sustained to the extent of 80 hours at straight time pay to be pro rated between Claimants.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. W. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 13th day of July 1973.