

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20233
Docket Number MW-20179

Joseph A. Sickles, Referee

(Brotherhood of Maintenance of Way **Employees**)
PARTIES TO DISPUTE: (
(The Chesapeake and Ohio Railway Company
((Chesapeake **District**)

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

(1) The Carrier violated the Agreement when it assigned Car Department **employees** instead of track forces to clean cars at 34th Street, Ashland, Kentucky on October 16, 17 and 19, 1971 (System File **HU-MW-227/MG-1309/C-TC-34**).

(2) Section Foreman V. **Withrow**, Laborers M. E. **Scarberry**, T. Gibson, R. Lucas and **J. Dunlap** each be allowed twenty (20) hours of pay; Laborer **D.** Johnson be allowed sixteen (**16**) hours of pay and Laborers **H.** Spencer and H. May each be allowed four (4) hours of pay at their respective straight time rates because of the violation referred to in Part (1) hereof.

OPINION OF BOARD: A review of this Docket demonstrates that it presents precisely the same questions and issues as presented to us in Award 20232, except for the dates of the alleged violations. **The** dates are not crucial to a determination.

For the same reasons stated in Award **20232**, we will dismiss the claim.

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;

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

That the claim will be dismissed.

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Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. W. Paulson
Executive Secretary

Dated at Chicago, Illinois, this 30th day of April 1974.