

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20421

Docket Number MW-20454

Irwin M. Lieberman, Referee

PARTIES TO DISPUTE: ((Brotherhood of Maintenance of Way **Employes**
(Southern Pacific Transportation company
((Pacific Lines)

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

(1) The Carrier violated the Agreement when it assigned mechanical **department** employes instead of water service sub-department employes to install pipe lines in Car Shop 9 at Sacramento Yard (System Files **MofW 152-764** and **MofW 152-776**).

(2) Water Service Sub-department employes J. A. **Riis**, G. G. Hacks and J. W. Beaver each be allowed three (3) hours of pay and D. **Gifford**, H. F. Martinez, M. Alexander and M. C. **Aguilar** each be allowed eight (8) hours of pay at their respective straight time rates because of the violation referred to in **Part** (1) of this claim.

OPINION OF BOARD: This is a Scope Rule case involving Petitioners' claimed right to the work of **installing** air pipe lines in Car Shop 9 at Carrier's Sacramento Yard. Petitioner, **representing** certain Water Service Department employes, brought an almost identical dispute, involving the **same** rule, parties and location which we dealt with in Award **19761**. In the case presently before us the Organization relies on precisely the same evidence and arguments presented in the earlier Award supra. We concluded in the earlier case that the **Petitioner** had **not** sustained its burden of proof with respect to exclusivity; it has produced no **further** evidence in this dispute. There was no showing in the record of this case that Award **19761** was palpably erroneous.

Since the issue **in** this dispute was disposed of in an earlier Award, and in the **absence** of a showing of error, we find that the conclusion reached in Award 19761 is controlling. To properly effectuate the Act and in order to provide an orderly process **for** the resolution of disputes we have repeatedly found that the parties have a right to rely on prior Awards, in the absence of error, which are dispositive of identical issues. (See for example Awards **10986**, **11175** and **17363**).

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 Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulson
Executive Secretary

Dated at Chicago, Illinois, this 27th day of September 1974.