

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20667
Docket Number **TD-20513**

William M. Edgett, Referee

PARTIES TO DISPUTE: {
(American Train Dispatchers Association
(Burlington Northern Inc.

STATEMENT OF CLAIM: Claim of the American Train Dispatchers Association that:

- (a) The Burlington Northern, Inc. (hereinafter referred to as "the Carrier") violated the currently effective Agreement between the parties, Article 2 Section (d) and Article 3 Section (b) thereof in particular, when it failed and refused to compensate Claimant Train Dispatcher R. T. Kruger at time and one-half rate of pay when it called and required him to perform service on a position outside the hours of his regular assignment on May 6, 7, 8, 9, 10, 13, 14 **and** 15, 1971 respectively.
- (b) Because of said violations, Carrier shall now be required to compensate Claimant R. T. Kruger the difference between pro-rata rate and time and one-half rate of compensation applicable to Assistant Chief Dispatchers for May 6, 7, 8, 9, 10, 13, 14 and 15, 1971, respectively.

OPINION OF BOARD: In their rebuttal to Carrier's submission the **Employees** withdrew the claims entered for **May** 7, 8, 9, 10, 14 and 15, 1971. Therefore the claims for those dates will be dismissed.

The claims for May 6 and 13, 1971 are sustained (Award 20017 Lieberman).

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 claims for **May** 7, 8, 9, 10, 14 and 15, 1971 should be dismissed.

That the claims for May 6 and 13, 1971 should be sustained.

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Claims for May 7, 8, 9, 10, ~~14~~ and 15, 1971 are dismissed.

Claims for May 6 and 13, 1971 sustained.

NATIONAL RAILROAD **ADJUSTMENT BOARD**
By Order of Third Division

ATTEST: *A. W. Pauls*
Executive Secretary

Dated at Chicago, **Illinois**, this 3Lst day of March 1975.