

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20869  
Docket Number MW-21024

Francis X. Quinn, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employee  
(The Western Pacific Railroad Company)

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

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(1) The Agreement was violated when the Carrier assigned or otherwise permitted other than B&B forces (carmen) to load and secure for shipment a channel lock building. (System File D-Care No. 9623).

(2) Traveling Carpenters J. L. Berry and H. L. Callahan each be allowed 38 hours of pay at their respective straight-time rates account of the violation described above.

OPINION OF BOARD: The building involved in this claim was neither constructed, repaired, dismantled, maintained nor relocated. It was loaded and secured on railroad flat car for rail shipment.

Petitioner has failed to prove that the involved work was reserved to the Claimants by the parties' agreement or a controlling practice thereunder. Therefore, we will deny 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 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 14th day of November 1975.