

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20891  
Docket Number M-20749

William M. Edgett, Referee

(Brotherhood of Maintenance of Way **Employes**  
PARTIES TO DISPUTE: (Burlington Northern Inc.

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

(1) The Agreement was violated when the Carrier used a B&B **employee** from Seniority District No. 23 to operate a bow truck on Seniority District No. 24 on February 8, 1973 (System File **P-P-122C/MW-84(i)** 5-17-73).

(2) First Class Carpenter A. A. West be allowed eight hours' pay at his pro-rata rate because of the violation referred to in Part (1) of this **claim**.

OPINION OF BOARD: Carrier violated the Agreement when it assigned an employee from seniority district No. 23 to operate a boom truck on seniority district No. 24. The employee from district No. 23 **was** a carpenter, the same classification as Claimant in this case, and by assigning him work outside his seniority district Carrier violated the right of an employee holding seniority in that district to perform the work.

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 Employes involved in this dispute are respectively Carrier and Employes 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.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: A. W. Paulos  
Executive Secretary

Dated at Chicago, Illinois, this 12th day of December 1975.