

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23036
Docket Number MW-23062

Rodney E. Dennis, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(Consolidated Rail Corporation (formerly The New York,
(New Raven & Hartford Railroad Company)

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

(1) The Agreement was **violated** when outside forces were used to perform the work of cutting brush, ditching and clearing on the **Newport Secondary** Track at Portsmouth, **Rhode** Island (System Docket **NH-8** Northeastern Region - New England Division).

(2) As a consequence of the aforesaid violation, **furloughed** Track Department **employees** L. S. **Epstien**, D. W. **Kerrins**, A. T. **Bruscini**, K. J. **Montague** and K. R. **Lee** **each** be allowed one **hundred** eighty-seven (**187**) hours of pay at their respective straight-time rates and **twenty-eight** (**28**) hours of pay at **their** respective **time** and one-half **rates**."

OPINION OF BOARD: The facts of this case, in our judgment, are identical **with** the facts presented to this Board in Award No. 23034. In that case, **involving** this **Carrier** and this **Organization**, we rendered a sustaining award. We see no reason to repeat our rationale **and** restate the arguments a **second time**. We do, however, think it **appropriate** to again **comment on the** amount of the award, **so that no misunderstandings** develop.

The Board in this case **has** agreed to award to the **named** claimants a total of 215 hours at the pro rata rate. The hours are **to** be equally **divided** among them.

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;

Award Number 23036
Docket Number MW-23062

Page 2

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 in accordance with Opinion.

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

ATTEST:

A. W. Paulke
Executive Secretary

Dated at Chicago, Illinois, this **28th** day of October 1980.

