

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number **24079**
Docket Number **MW-24072**

Herbert L. Marx, Jr., Referee

PARTIES TO DISPUTE: [Brotherhood of Maintenance of Way Employees
(Chicago, Milwaukee, St. Paul and Pacific Railroad Company

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

(1) The Carrier violated the Agree&t when it assigned the work of constructing one **hundred** three (103) feet of track at the ends of **Bridge** D-30-281 to outside forces on September 10, 11, **12, 13**, 14, 17, **18, 19**, 20 and 21, **1979** (System File **C#124/D-2385**).

(2) **The** Carrier also violated Article IV of the **May 17, 1968** National **Agreement** when it did not give the General Chairman advance written notice of its intention to contract said work.

(3) As a consequence of the aforesaid violations, Track **Subdepartment** **employees** R. D. Leigh, L. D. **Labuda**, E. W. **Lewandowski**, G. L. **Bremer**, R. L. Christian, C. H. Christian, T. R. **Neuman** and E. W. **Albright** each be allowed pay at their respective rates for an **equal** proportionate share of the sixty-two (62) man-hours expended by outside forces."

OPINION OF BOARD: Except as to the name of Claimants, this **claim is** in substance identical to that considered in Award **No. 24078**.
The Board reaches the same conclusion based on the same reasoning here.

In view of the denial award, procedural issues in the dispute need not be reviewed further.

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: Acting Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 5th day of January 1983.

