

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24898
Docket Number MW-25020

Edward L. Suntrup, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(The Denver and Rio Grande Western Railroad Company

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

(1) The Carrier violated the Agreement when it assigned and used a Car Department employe to perform Maintenance of Way and Structures Department work at Grand Junction, Colorado on June 26, 1981 (System File D-24-81/MW-23-81).

(2) Because of the aforesaid violation, Machine Operator B. Murray shall be allowed seven (7) hours of pay at his straight time rate.

OPINION OF BOARD: This is a claim filed by the Organization on June 30, 1981 on behalf of the Claimant, B. Murray. It is alleged in the claim that the Carrier:

"...assigned or otherwise permitted an employee of the Car Department craft who hold no seniority rights under the Brotherhood of Maintenance of Way Employees Agreement to operate a caterpillar 920 front-end loader in the performance of grading roads, loading track material such as ballast, excavating and general Maintenance of Way work on Grand Avenue and railroad crossing which was being repaired by the Grand Junction Section and B & B Forces."

The work was performed for seven (7) hours on June 26, 1981.

The issues in the instant case are the same as those already reviewed and ruled upon by the Board in Award No. 24897. Only the name of the Claimant, the date, and the relief requested are here at variance with that claim. The Board's decision is the same here as it was there for the reasons set forth in Award 24897.

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 violated.

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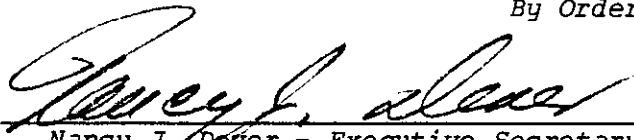
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Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 18th day of July 1984.