

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25281  
Docket Number MW-24856

Rodney E. Dennis, Referee

(Brotherhood of Maintenance of Way Employees  
PARTIES TO DISPUTE: (  
(Southern Pacific Transportation Company (Eastern Lines)

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

Claimant Machine Operator G. L. **Burks** shall be reimbursed for all overtime compensation loss suffered by him **as** a result of being improperly suspended from the Carrier's service September 14 through September 28, 1981, both dates inclusive (System File MU-82-23/336-89-A).

OPINION OF BOARD: Claimant G. L. **Burks** was a Machine Operator in Carrier's employ at Dayton, Texas. He was suspended from service on September 14, 1981, and returned to service on September 29, 1981. His suspension resulted from charges of insubordination. Those charges were dropped by Carrier and **Claimant** was paid at the pro rata rate for all time lost. Claimant now seeks pay for lost overtime opportunity during the period that he **was** unjustly suspended. .

Petitioner bases its request for lost overtime on Article 14(e), wherein it states that payment will be made for assigned working hours actually lost at the rate of pay of the **position** formerly held. Claimant contends that his machine worked overtime during the period that he **was** suspended and that if he had been working, he would have earned the overtime pay.

Carrier takes the position that a settlement **was** arrived at in Claimant's insubordination **case** on the property and that the demand for overtime payments is inappropriate at this time,

We have reviewed the record before us and have concluded that Carrier properly settled the insubordination **case** against Claimant. An additional request for lost overtime is not appropriate. This Board has, on numerous occasions, remarked about the speculative nature of lost overtime claims and has generally denied them. **We** find no sound basis in the record before us in this case to do otherwise.

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

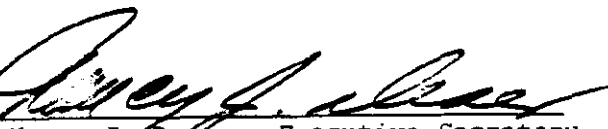
That the Agreement was not violated.

A W A R D

Claim, denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

  
Nancy J. Dwyer - Executive Secretary

Dated at Chicago, Illinois, this 28th day of February 1985.