

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26426
Docket Number MW-25940

Rodney E. Dennis, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(Atchison, Topeka and Sante Fe Railway Company

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

(1) The Carrier violated the Agreement when it assigned junior **Track-**
man G. D. **Donals** to **perform overtime** Service **on** October 31, 1982 instead of
calling and using **Trackman** J. P. Newman who was senior, available and willing
to perform that service (System File 40-33-8224)

(2) **Trackman** J. P. Newman shall be allowed four (4) hours of pay be-
cause of the violation **referred** to in Part (1) hereof."

OPINION OF BOARD: On October 31, 1982, Carrier assigned a **trackman** junior to
Claimant to perform overtime service. Claimant contends
that he should have been called since he was available and willing to perform
that service.

Carrier argues that Claimant was not available for duty since he had
recently moved and did not provide Carrier with his new phone number. The
Organization contends that Carrier should have made an effort to find **out**
Claimant's **new** number.

This Board has reviewed the record **and** concludes that Carrier met its
obligation in this instance. Claimant was not available and Carrier **did not**
err by calling the **junior** trackman.

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.

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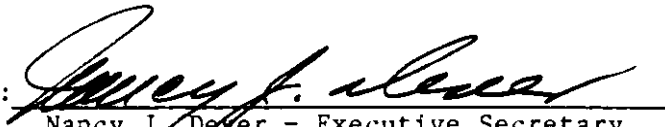
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A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois this 24th day of August 1987.