

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26481
Docket Number W-26299

Rodney E. Dennis, Referee

PARTIES TO DISPUTE: ((Brotherhood of Maintenance of Way Employes
(Consolidated Rail Corporation

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

(1) The Agreement was violated when outside forces were used to **construct** a fence at Mt. Pleasant, Delaware on August 25, 26 and September 1 and 2, 1983 (System Dockets CR-603, 604, 605 and 606).

(2) The Agreement was further violated when the Carrier **did not** give the General Chairman prior written notification of its plan to assign said work to outside forces.

(3) Because of the aforesaid violations, **B&B** Foreman B. J. **Maylie** and **B&B** Mechanics D. C. Stanton, F. F. **Guzzetti** and W. A. Stanowski shall each be allowed thirty-two (32) hours of pay at their respective straight time rates."

OPINION OF BOARD: This Board has reviewed the facts of this case and concludes that since all Claimants were under pay during the **period** of the Claim, a monetary Award in this instance will be denied. We also take note that the site involved in the fencing job was property that was leased by Carrier to another company.

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.

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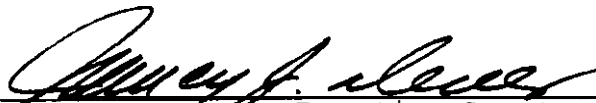
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Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 9th day of September 1987.