

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26602  
Docket Number MW-26216

Gil Vernon, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes  
(  
(National Railroad Passenger Corporation  
( (Amtrak) - Northeast Corridor

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

(1) The Carrier violated the Agreement when it assigned outside forces to prepare and paint ceilings and walls of three (3) rooms at 30th Street Station, Philadelphia, Pennsylvania on November 24 and 29, 1982 and when it did not give the General Chairman advance written notice of its intention to contract said work (System File NEC-BMWE-SD-587).

(2) As a consequence of the aforesaid violations, Assistant Paint Foreman G. A. Smith shall be allowed twelve (12) hours of pay at his straight time rate."

OPINION OF BOARD: The Claim before the Board is for the Assistant Paint Foreman on the Philadelphia Division, in connection with work performed by the Alper Roofing Company in Room 420 of the 30th Street Station on November 24 and 29, 1982.

A review of the record reveals that an identical Claim involving the same work on the same dates, the same room and the same roofing company was progressed to the Board for Painter L. Rossini and resolved in Third Division Award 26224. That Award, given the identical set of essential facts, shall control in this case.

Accordingly the instant claim is dismissed on the same basis.

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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Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

  
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois this 27th day of October 1987.