

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 27089
Docket No. MW-26807
88-3-85-3-559

The Third Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

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

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

(1) The Agreement was violated when Burro Crane Operator J. Dalessandro was not used to perform overtime service continuous with his regular assignment on his assigned position (operator of Crane 8801) on March 19 and 20, 1984 (System File NEC-BMWE-SD-984).

(2) Burro Crane Operator J. Dalessandro shall be allowed six (6) hours of pay at his time and one-half rate."

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

The record shows that the Carrier and the Organization agreed that the Claimant must be compensated for six hours of work to which his seniority entitled him. The only remaining question is whether he should be compensated at straight time or at the one and one-half time rate. Thus, this claim parallels that considered in Third Division Award 27088, and the Board incorporates its findings in that Award by reference. The same conclusion is reached here.

The claim is sustained, but only at the straight time rate, if not previously allowed.

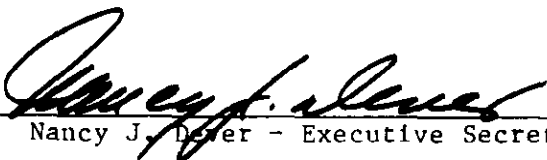
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A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: 
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 17th day of May 1988.