

The Third Division consisted of the regular members and in addition Referee George S. Roukis when award was rendered.

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

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

(1) The Carrier violated the Agreement when it assigned a junior repairman to perform overtime service on March 17 and 18, 1984 instead of calling and using Repairman A. Edgell, who was senior, available and willing to perform that service (System Docket CR-1125).

(2) Repairman A. Edgell shall be allowed sixteen (16) 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 employee or employees involved in this dispute are respectively carrier and employees 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.

In reviewing the handling of this dispute on the property and before this Board, it is this Board's position that Rule 17, the overtime rule, is the controlling rule. The Canton Shop Agreement was superceded by the February 1, 1982 Agreement. Claimant was senior to those who worked overtime on the claim dates, however, under the circumstances of this case he was not shown to be available to perform the work involved herein.

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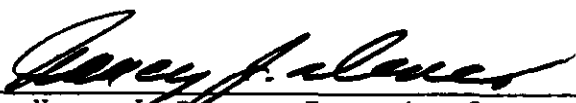
Award No. 27188
Docket No. MW-26800
88-3-85-3-560

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 23rd day of June 1988.