

The Third Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(Burlington Northern Railroad Company (former
(St. Louis-San Francisco Railway Company)

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

(1) The Carrier violated the Agreement when it used machine operators instead of trackmen to perform trackmen's work with Gang 120 on January 28 and 29 and February 21, 1985 (System Files B-2274/EMWC 85-4-18 and B-2274-1/EMWC 85-5-8B).

(2) Because of the aforesaid violation, Trackmen L. D. Watson shall be allowed twenty-four (24) hours of pay at his straight time rate and ten and one-half (10 1/2) 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 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.

This Claim is a companion Claim to that involved in Third Division Award 27696. In that Award we sustained the Claim on behalf of the furloughed Trackman involved. Three of the Claim dates involved are the same three Claim dates here. On these three dates Claimant was assigned to another gang. Accordingly, on these facts there is no basis to award Claimant compensation.

A W A R D

Claim dismissed.

Form 1
Page 2

Award No. 27699
Docket No. MW-27197
89-3-86-3-272

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 2nd day of February 1989.