

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
(
(Consolidated Rail Corporation

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

(1) The Carrier violated the Agreement when it failed and refused to allow Mr. W. Martinez holiday pay on each date of December 31, 1987 and January 1, 1988 representing the New Year's Eve and New Year's Day holidays (System Docket CR-3724).

(2) As a consequence of the aforesaid violation, Mr. W. Martinez shall be allowed sixteen (16) hours of pay at the welder's rate in effect on the claim dates."

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.

The Claimant, a regularly assigned Welder, was timely notified that his Welder position would be abolished effective at the end of his tour of duty on Wednesday, December 30, 1987. He observed the holidays on New Year's Eve, Thursday, December 31, 1987, and New Year's Day, Friday, January 1, 1988. Claimant, on Monday, January 4, 1988, made a good faith effort to exercise his seniority, but because of lack of information available to him was left to search out a junior employee. Claimant did find someone whom he could displace, but it was after the starting time of the assignment to which he wanted to displace. Under the circumstances in this particular case, Claimant made a good faith effort to displace on January 4. He should not be penalized for lack of information as to whom and where to displace.

Form 1
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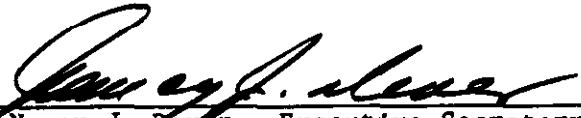
Award No. 29043
Docket No. MW-28870
91-3-89-3-271

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Beyer - Executive Secretary

Dated at Chicago, Illinois, this 22nd day of November 1991.