

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

Award No. 30007  
Docket No. MW-29516  
94-3-90-3-455

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  
(Union Pacific Railroad Company)

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

- (1) The Agreement was violated when the Carrier assigned or otherwise permitted outside forces (Newkirk Fence Company) to construct and repair right of way fence between Mile Posts 606 and 608.63 near Rock River, Wyoming beginning June 12, 1989 and continuing (System File S-195/890670).
- (2) As a consequence of the aforesaid violation, Maintenance of Way employees A. Guardiola and D. D. Fernandez shall each be allowed six hundred forty (640) hours of pay at the B&B laborer's straight time 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 employee 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 dispute is closely similar to that reviewed in Third Division Award 30004, and the Board reaches the same conclusion.

Form 1  
Page 2

Award No. 30007  
Docket No. MW-29516  
94-3-90-3-455

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest: Catherine Loughrin  
Catherine Loughrin - Interim Secretary to the Board

Dated at Chicago, Illinois, this 21st day of January 1994.