

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 30230
Docket No. MW-29800
94-3-91-3-159

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
(
(CSX Transportation, Inc. (former Chesapeake
(and Ohio Railway Company)

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

- (1) The Agreement was violated when the Carrier assigned junior Machine Operator J. Gray instead of Mr. D. R. Johnson to fill a machine operator position on the Curve Patch Force on January 29, 30, 31, February 1, 5, 6, and 8, 1990 [System File C-TC-6044/12(90-383) COS].
- (2) As a consequence of the aforesaid violation, Mr. D. R. Johnson shall be allowed seventy (70) hours of pay at his respective straight time rate and he shall be credited with seven (7) additional days of vacation qualifying time for 1990."

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 employe 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 involves the same Claimant and is identical to that reviewed in Third Division Award 30226, except that it is a continuation of the dates of the earlier Claim.

The Board therefore will sustain the Claim on the same basis as in the previous Award.

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AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Linda Woods
Linda Woods - Arbitration Assistant

Dated at Chicago, Illinois, this 8th day of June 1994.