

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 30247
Docket No. MW-30277
94-3-92-3-7

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

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(Grand Trunk Western Railroad Company (former
(Detroit, Toledo and Ironton Railroad Company)

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

- (1) The Agreement was violated when the Carrier assigned B&B Foreman R. Rudbal to perform bridgeman's duties on his crew instead of recalling and assigning furloughed Bridgeman W. A. Barnhart to a regularly bulletined position to perform it beginning on April 23, 1990. (System File NEC-BMWE-SD-2761 AMT)
(Carrier's File 8365-1-318 DTI)
- (2) As a consequence of the aforesaid violation, Bridgeman W. A. Barnhart shall be compensated for all work performed by Foreman Rudbal as a bridgeman beginning on April 23, 1990, and continuing."

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.

Both Parties have raised procedural objections to new material offered for the first time in the other's Submissions to this Board. Such material has not been made part of this Board's deliberations.

At the time this dispute arose, Claimant was a furloughed employee with seniority in the Bridge and Building Sub-department of the former Detroit, Toledo, and Ironton Railroad Company (now Grand Trunk Western Railway Company).

The facts of this case are nearly identical to those presented to the Board in Third Division Awards 29436, 28048, and 28050.


For the reasons set forth in those Awards, the Board finds that Carrier did not violate the Agreement when it failed to recall the Claimant from furlough.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:



Linda Woods - Arbitration Assistant

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