

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 30523
Docket No. MW-29961
94-3-91-3-356

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

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

- (1) The Agreement was violated when the Carrier assigned Blacksmiths K. Gibson and R. Chapman instead of Maintenance of Way Laborers L. Dillon and G. Hodge to dismantle frogs for reclaiming, beginning April 9 through April 20, 1990 at the Barboursville Shops [System File C- TC-6083/12(90-528) COS].
- (2) As a consequence of the aforesaid violation, Messrs. Dillon and Hodge shall each be allowed eighty (80) hours of pay at their pro rata rates."

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.

The International Brotherhood of Boilermakers & Blacksmiths was determined to be a third party at interest. That Organization was notified of the dispute, but did not submit a response.

Except as to dates and names of Claimants, this Claim is virtually identical to that reviewed in Third Division Award 30522. The Board here reaches the same conclusion as in that Award.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 9th day of November 1994.