

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 30533
Docket No. MW-30464
94-3-92-3-308

The Third Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

PARTIES TO DISPUTE: (Consolidated Rail Corporation
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(Brotherhood of Maintenance of Way Employees

STATEMENT OF CLAIM:

"Claim in behalf of C. J. Campbell and three others that the Carrier allegedly violated the Scope Rule when Jefferies, Inc. was used to blacktop crossings at 32nd Street, Plymouth Road, and Carson Road in Ashtabula and at Empire Steel Crossing on the Fort Wayne line." (MW-1911)

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 were given due notice of hearing thereon.

This claim is identical of that reviewed in Third Division Award 30540. There is no purpose served in a further review of the matter.

AWARD

Claim dismissed.

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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.