

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 31004
Docket No. MW-30246
95-3-91-3-706

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
(
(National Railroad Passenger Corporation
((Amtrak)

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

- (1) The Agreement was violated when the Carrier assigned Third Rail Electrician S. Kowalski, instead of Third Rail Maintainer T. Shanley, to perform maintainer service on the 8:00 A.M. to 4:00 P.M. shift at Penn Station, New York on June 18, 1990 (System File NEC-BMWE-SD-2760 AMT).
- (2) As a consequence of the violation referred to in Part (1) above, Third Rail Maintainer T. Shanley shall receive four (4) hours' pay at his time and one-half 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 is a claim initiated on June 20, 1990, on behalf of a Third Rail Maintainer assigned to the 4:00 PM to 12:00 Midnight trick. The Organization contends that the Claimant should have been assigned overtime on the date in question from 12:00 Noon to 4:00 PM, based on the absence of the day trick Maintainer, who was replaced by a Third Rail Electrician.

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The claim is virtually identical to that reviewed in Third Division Award 31003. The Board's conclusions reached therein are incorporated here by reference.

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 26th day of July 1995.