

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISIONAward No. 31387  
Docket No. MW-30374  
96-3-92-3-108

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

PARTIES TO DISPUTE: (Soo Line Railroad Company (former Chicago,  
( Milwaukee, St. Paul and Pacific Railroad  
( Company)  
(  
(Brotherhood of Maintenance of Way Employes

STATEMENT OF CLAIM:

"This is to advise that the Soo Line Railroad intends to file with the Third Division of the National Railroad Adjustment Board within thirty (30) days of date hereof, an Ex Parte Submission in the dispute between the Brotherhood of Maintenance of Way Employes involving the claim on behalf of employes, Yahn, Bailey, Conger and Reed for a total of two-hundred and eighty-nine and one half (289.5) hours for the time worked by an outside contractor, namely Byland, Inc., for the cutting of brush, weeds and small trees along the Carrier's right-of-way at various road crossings located within the confines and jurisdiction of the aforementioned employes maintenance territory. Organization's File C #45-90."

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 dispute is identical to that reviewed in Third Division Award 31388. The Board obviously reaches the same conclusion as in that Award.

AWARD

Claim dismissed.

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 29th day of February 1996.