

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISIONAward No. 31393  
Docket No. MW-30684  
96-3-92-3-470

The Third Division consisted of the regular members and in addition Referee John J. Mikrut, Jr. when award was rendered.

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

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

- (1) The Agreement was violated when the Carrier recalled a junior employe to fill a temporary section laborer position on Section Crew #39F at St. Paul, Minnesota on April 18, 19, 22, 23, 24, 25 and 26, 1991, instead of recalling senior furloughed Section Laborer T. Maslowski (System File C-13-91-1160-01/8-00067 CMP).
- (2) As a consequence of the violation referred to above, Section Laborer T. Maslowski shall be allowed fifty-six (56) hours' pay at his pro rata straight time rate of pay."

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.

The parties to said dispute waived right of appearance at hearing thereon.

The instant claim involves the exact same issue(s) and argument(s) as that/those which were contained in Third Division Award 31392. This Board can see no reason why the instant claim warrants a different determination. Accordingly, therefore, we will also deny the instant claim.

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 29th day of February 1996.