

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 31458
Docket No. MW-31621
96-3-93-3-646

The Third Division consisted of the regular members and in addition Referee Robert Richter when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes
(Burlington Northern Railroad Company

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

(1) The Agreement was violated when the Carrier recouped \$58.00 from Mr. J. Rios for an alleged overpayment of weekend per diem allowances for Saturday, December 21 and Sunday, December 22, 1991 (System File C-92-T072-9/5MWA 92-04-28D).

(2) The Agreement was violated when the Carrier recouped \$58.00 from Mr. J.A. Stater for an alleged overpayment of weekend per diem allowances for Saturday, December 21 and Sunday, December 22, 1991 (System File C-92-T075-30/5MWA 92-07-01B).

(3) The Agreement was violated when the Carrier recouped \$116.00 from Mr. S.C. Davis for an alleged overpayment of weekend per diem allowances for Saturday, December 7, Sunday, December 8, Saturday, December 21 and Sunday, December 22, 1991 (System File C-92-T075-31/5MWA 92-07-01C).

(4) As a consequence of the violation referred to in Part (1) above, Claimant J. Rios shall be allowed \$58.00.

(5) As a consequence of the violation referred to in Part (2) above, Claimant J.A. Stater shall be allowed \$58.00.

(6) As a consequence of the violation referred to in Part (1) above, Claimant S.C. Davis shall be allowed \$116.00."

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 parties to the dispute, the pertinent Agreements as well as the facts are similar to those in Third Division Award 31457.

For the reasons set forth in that Award these claims will similarly be denied.

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 25th day of April 1996.