

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 31485
Docket No. MW-31377
96-3-93-3-360

The Third Division consisted of the regular members and in addition Referee Robert L. Hicks 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 Carrier violated the Agreement when it assigned or otherwise allowed outside forces (Hyman Company) to perform work constructing an office on the mezzanine level near the Amtrak Police Station at the 30th Street Station at Philadelphia, Pennsylvania beginning on March 2 through 13, 1992 (System File NEC-BMWE-SD-3136 AMT).
- (2) The Agreement was further violated when the Carrier failed to give the General Chairman advance written notice of its plans to contract out said work.
- (3) As a consequence of the aforesaid violations, B&B Mechanics T. DiCarne, L. Rossini, J. Rocco and G. Allman shall each be allowed eighty (80) hours' pay at their respective straight time rates."

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.

Other than the type and nature of work contracted out at the Carrier's 30th Street Station, the arguments of the parties are the same as in Third Division Award 31481, including a challenge to this Board's authority to resolve the issue.

For the reasons set forth in Third Division Award 31481 this dispute is dismissed.

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 23rd day of May 1996.