

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 31561
Docket No. MW-30687
96-3-92-3-473**

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 Employees
(Soo Line Railroad Company**

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

(1) The Carrier violated the Agreement when it assigned a track service employe to perform flagging, track inspection and track work on May 15 and 16, 1991, instead of calling and assigning Section Foreman R. D. West thereto (System File C-18-91-CO80-03/8-00066 CMP).

(2) As a consequence of the above-mentioned violation, Claimant R.D. West shall be allowed eight and one-half (8-1/2) hours' pay at his pro rata straight time rate of pay and three and two-thirds (3-2/3) hours' pay at his time and one-half overtime 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.

Parties to said dispute waived right of appearance at hearing thereon.

This case is identical to the claim in Third Division Award 31560. Likewise the decision is the same.

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 July 1996.