

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 31565
Docket No. MW-31200
96-3-92-3-933

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

(Brotherhood of Maintenance of Way Employees
PARTIES TO DISPUTE: (
(CSX Transportation, Inc. (former Baltimore
(and Ohio Railroad Company)

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

(1) The Carrier violated the Agreement when it used Yardmaster B. Sheffery, Assistant Trainmaster Marsh, Trainman J. Dempsey and Carman D. A. Topolski to perform Maintenance of Way work (painting the interior and exterior of the Penn Mary Yard Office) on September 12, 1991 [System File B-TC-7997/12(91-1647) BOR].

(2) As a consequence of the violation referred to in Part (1) above, Bridge and Building (B&B) Subdepartment employees D. E. Beverly, S. N. Hardy, M. L. Hare and M. L. Marshall shall each receive an equal proportionate share of the eighteen (18) man-hours expended at their respective rates 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.

In Third Division Awards 30160, 30161, 31081, 31085 and 31269 involving the same parties in similar disputes involving work performed by a Safety Committee, the Board found that the Carrier violated the Agreement and sustained the claims. After a thorough review of the record in the instant case we find no basis to rule differently than the above-mentioned Awards.

AWARD

Claim sustained.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 25th day of July 1996.