

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 32520
Docket No. MW-31605
98-3-93-3-613

The Third Division consisted of the regular members and in addition Referee Martin F. Scheinman when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes
(National Railroad Passenger Corporation (AMTRAK))

STATEMENT OF CLAIM:

"Claim of the System Committee of the Brotherhood that:

(1) The Agreement was violated when the Maintenance of Way repairmen assigned to all Rule 89, 90A and 90B Gangs, including Messrs. R. Cheslock and J. Pikulak, who were responsible for driving Maintenance of Way repairmen vehicles or other vehicles without passengers to and from the work site were not properly compensated for the time spent traveling to and from the designated work site beginning July 28, 1992 and on a continuing daily basis thereafter (System File NEC-BMWE-SD-3178 AMT).

(2) As a consequence of the violation referred to in Part (1) above:

'... all such MW Repairmen on the above referenced gangs who drive MW Repair and/or other vehicles to and from the job site to and from their camp cars or motels without passengers be compensated as follows:

1. half time at the MW Repairman rate for all hours since July 28, 1992 in which such Repairmen received straight time pay when driving to and from the job site to and from the camp cars or motels when such driving occurred in excess of the normal ten hour day; and

2. time and one half at the MW Repairman rate for 1/2 hour per day for each day since July 28, 1992 in which such MW Repairmen drove to and from the work site to and from the camp cars and motels without passengers in which such Repairmen were not paid one half hour per day of travel time."

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 were given due notice of hearing thereon.

Except for factual differences pertaining to the specifics of the claim brought by the Organization, this dispute involves the identical question and identical issues decided by the Board in Third Division Award 32518. Given our decision in that case, we see no basis and no need for addressing the specific facts contained herein. Accordingly, the claim presented herein is dismissed.

AWARD

Claim dismissed.

Form 1
Page 3

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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 March 1998.