

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 34061
Docket No. CL-34793
00-3-98-3-442**

The Third Division consisted of the regular members and in addition Referee Elizabeth C. Wesman when award was rendered.

PARTIES TO DISPUTE: (Transportation Communications International Union
(National Railroad Passenger Corporation (AMTRAK))

STATEMENT OF CLAIM:

“Claim of the System Committee of the Organization (GL-12071) that:

I am filing claim on behalf of Mr. Brian Crowe, Spare Block Operator, Boston, Massachusetts. Claim is for First Trick, Waltham Tower, Waltham, Massachusetts. This claim is for eight (8) hours at the rate of time and one half, July 7, 1996.

Carrier violated the Agreement when it used a junior employee to cover First Trick position at Tower Waltham, Waltham, Massachusetts and paid the junior employee at the rate of Train Dispatcher.

Rules violated are Appendix E, Articles #3, #4, and #5 in their entirety.”

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.

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This is a companion case to Third Division Award 34059. For the reasons set forth in that Award, this claim is also 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 May, 2000.