

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

David H. Brown, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
TENNESSEE CENTRAL RAILWAY COMPANY**

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

(1) The Carrier violated the Agreement when

(a) the positions held by Carpenters Alvin McCormick, Othel Carr, Farris Givens, B&B Helpers Dallas Loden, Arnel Green, Kenneth Loden, B&B Laborers Claude Treadway and Virgil Treadway were abolished and said employees laid off at the close of work on February 21, 1963 without benefit of five (5) working days' advance notice of such force reduction. (Carrier's file 191-95.)

(b) the positions held by Carpenters R. A. Hughes, W. H. Albright, B&B Helpers J. F. Rollins, Robert Crawford, Henry Hembree, B&B Laborers J. L. Holley and E. L. Porter were abolished and said employees laid off at the close of work on February 19, 1963 without benefit of five (5) working days' advance notice of said force reduction. (Carrier's file 191-95.)

(2) (a) Each employee named in Part (1-a) of this claim be allowed sixteen (16) hours' pay (2 days — February 25 and 26) at his respective straight time rate to reimburse him for the monetary loss suffered as a result of the violation described in Part (1-a) of this claim.

(b) Each employee named in Part (1-b) of this claim be allowed twenty-four (24) hours' pay (3 days — February 20, 21 and 25) at his respective straight time rate to reimburse him for the monetary loss suffered as a result of the violation described in Part (1-b) of this claim.

EMPLOYEES' STATEMENT OF FACTS: At 9:30 A.M. on Monday, February 18, 1963, Foreman Silvers advised the claimants named in Part 1(a) of our "Statement of Claim" that their positions would be abolished at the close of work on Thursday, February 21, 1963.

OPINION OF BOARD: The same basic questions which are presented in this case were before this Board in Docket MW-12471, Award 12831, involving these identical parties. Finding no palpable error in that decision we must hold such opinion controlling herein. The claims are correctly presented and will accordingly be sustained to the extent for which demand is made.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was violated.

AWARD

Claims sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **THIRD DIVISION**

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 10th day of November 1966.