

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

John H. Dorsey, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES
CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY****STATEMENT OF CLAIM:** Claim of the System Committee of the Brotherhood that:

(1) The Carrier violated the terms of the Mediation Agreement dated November 20, 1964 when it applied the nine (9) cents per hour wage increase effective January 1, 1965 for monthly rated employes on the basis of 174 hours a month instead of 174 $\frac{2}{3}$ hours per month. (Carrier's file M-1070-65.)

(2) The Carrier shall compensate each monthly rated employe on the Aurora Division an additional six (6) cents per month effective with the month of January, 1965 and for all subsequent months.

EMPLOYES' STATEMENT OF FACTS: The factual situation involved in this dispute is fully described within the letter of claim presentation, which reads:

“March 1, 1965
11-3

Mr. C. J. Miller, Superintendent
CB&Q Railroad
Aurora, Illinois

Dear Sir:

We present herewith claim in behalf of each monthly rated employe under your jurisdiction employed in the Maintenance of Way Department in accordance with our order of appeal.

1. That the Carrier violated the terms of the Mediation Agreement dated November 20, 1964, when they applied the 9 cents per hour wage increase, effective January 1, 1965 for monthly rated employes on the basis of 174 hours a month instead of 174 $\frac{2}{3}$ hours.

The General Chairman appealed the denial to Carrier's Director of Labor Relations under date of May 7, 1965 and after conference on the matter, the Director of Labor Relations denied the appeal by letter of June 22, 1965, see Carrier's Exhibits 3 and 4 respectively.

(Exhibits not reproduced.)

OPINION OF BOARD: This Claim presents the same issues which we resolved in Award No. 15547. For reasons stated in that Award we will dismiss the instant Claim.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

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 Claim must be dismissed for failure of proof.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 30th day of June, 1967.