

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19415
Docket Number MW-19356

Joseph E. Cole, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(Elgin, Joliet and Eastern Railway Company

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

(1) The Carrier violated the Agreement when it used a motor car repairman instead of Motor Car Repair Foreman D. Metzner to perform vacation relief work on the second shift motor car repair foreman's position during the period extending from July 21 through July 31, 1969, both dates inclusive (System File SG-8-69/WM-11-69).

(2) Motor Car Repair Foreman D. Metzner be allowed seventy-two (72) hours' pay at his time and one-half rate because of the violation referred to within Part (1) of this claim.

OPINION OF BOARD: 1. Claimant holds a regular position of Motor Car Repair Foreman between hours of 7:00 A.M. and 3:30 P.M., Monday through Friday.

2. Motor Car Repair Foreman on Second Shift, 3:30 P.M. to 12:00 O'Clock midnight, Monday through Friday, was absent on vacation between July 21 through July 31, 1969 inclusive.

3. Claimant contends that under seniority provisions of the Agreement, that Carrier should have assigned him, in addition to his regular assigned eight hour shift to double over, to fill vacation vacancy instead of using a motor car repairman, who holds no seniority in the foreman class, as the Acting Motor Car Repair Foreman during the period involved.

4. Award 16130 (House) involved a similar dispute between these same parties and same rules. We will follow Award 16130 and deny the 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;

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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 not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

E. A. Killen
Executive Secretary

Dated at Chicago, Illinois, this 29th day of September 1972.