

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20072
Docket Number MW-20081

Dana E. Eischen, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(Board of Trustees of the Galveston Wharves

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

(1) The Carrier violated the Agreement when it used outside forces to perform the work of repairing pallets on the Galveston Wharves (System File 700-28-2)

(2) The Carrier also violated Article IV of the National Agreement of May 17, 1968 when it did not afford the General Chairman a conference to discuss matters relating to the work referred to in Part (1) above.

(3) C&M Foreman C. Moore, Assistant Foreman C. Mlcak, Mechanics T. Curtis, P. Fontono, J. Meyer and Truck Driver B. T. Washington each be allowed pay at their respective straight time rates for an equal proportionate share of the total number of man hours expended by outside forces in performing the work described in Part (1) hereof.

OPINION OF BOARD: The issue herein is substantially the same as the issue involved in Award No. 20071, involving the same parties to the dispute and for reasons stated therein in Award 20071, we will deny paragraph (1) of the Statement of Claim, sustain paragraph (2) of the Statement of Claim and deny paragraph (3) of the Statement of 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 Employee involved in this dispute are respectively Carrier and Employee 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.

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Part (1) of the claim is denied.

Part (2) of the claim is sustained.

Part (3) of the claim is denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A W Pauline
Executive Secretary

Dated at Chicago, Illinois, this 14th day of December 1973.