

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20421
Docket Number MW-20454

Irwin M. Lieberman, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(Southern Pacific Transportation Company
((Pacific Lines)

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

(1) The Carrier violated the Agreement when it assigned mechanical department employees instead of water service sub-department employees to install pipe lines in Car Shop 9 at Sacramento Yard (System Files MofW 152-764 and MofW 152-776).

(2) Water Service Sub-department employees J. A. Riis, G. G. Hanks and J. W. Beaver each be allowed three (3) hours of pay and D. Gifford, H. F. Martinez, M. Alexander and M. C. Aguilar each be allowed eight (8) hours of pay at their respective straight time rates because of the violation referred to in Part (1) of this claim.

OPINION OF BOARD: This is a Scope Rule case involving Petitioners' claimed right to the work of installing air pipe lines in Car Shop 9 at Carrier's Sacramento Yard. Petitioner, representing certain Water Service Department employees, brought an almost identical dispute, involving the same rule, parties and location which we dealt with in Award 19761. In the case presently before us the Organization relies on precisely the same evidence and arguments presented in the earlier Award supra. We concluded in the earlier case that the Petitioner had not sustained its burden of proof with respect to exclusivity; it has produced no further evidence in this dispute. There was no showing in the record of this case that Award 19761 was palpably erroneous.

Since the issue in this dispute was disposed of in an earlier Award, and in the absence of a showing of error, we find that the conclusion reached in Award 19761 is controlling. To properly effectuate the Act and in order to provide an orderly process for the resolution of disputes we have repeatedly found that the parties have a right to rely on prior Awards, in the absence of error, which are dispositive of identical issues. (See for example Awards 10986, 11175 and 17363).

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 Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. W. Paulson
Executive Secretary

Dated at Chicago, Illinois, this 27th day of September 1974.