

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20647
Docket Number MW-20630

Robert A. Franden, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes
(Port Terminal Railroad Association

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

(1) The Agreement was violated when Welder Helper R. Butler was released upon completion of his regularly assigned hours on April 11, 1973 and was relieved by Machine Operator M. Gill for one hour of overtime work (System File MW-73-2).

(2) Welder Helper R. Butler now be allowed one hour of pay at his time and one-half rate.

OPINION OF BOARD: In connection with the construction of a new store house, overtime work was required to finish the cement floor. The Claimant had been used to help construct the store house but was not used to finish the cement floor which was done on an overtime basis by an employee junior to Claimant. The basis of this claim is the right of the Claimant to that overtime work.

We are unable to find anything in the record that supports the right of the Claimant to the work in question. We have been referred to no rule in the Agreement which supports the right of the Claimant to the right of the overtime work in question.

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 not violated.

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Claim denied.

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By Order of Third Division

ATTEST: A. W. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 21st day of March 1975.