

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20667  
Docket Number TD-20513

William M. Edgett, Referee

PARTIES TO DISPUTE: (American Train Dispatchers Association  
(  
(Burlington Northern Inc.

STATEMENT OF CLAIM: Claim of the American Train Dispatchers Association that:

- (a) The Burlington Northern, Inc. (hereinafter referred to as "the Carrier") violated the currently effective Agreement between the parties, Article 2 Section (d) and Article 3 Section (b) thereof in particular, when it failed and refused to compensate Claimant Train Dispatcher R. T. Kruger at time and one-half rate of pay when it called and required him to perform service on a position outside the hours of his regular assignment on May 6, 7, 8, 9, 10, 13, 14 and 15, 1971 respectively.
- (b) Because of said violations, Carrier shall now be required to compensate Claimant R. T. Kruger the difference between pro-rata rate and time and one-half rate of compensation applicable to Assistant Chief Dispatchers for May 6, 7, 8, 9, 10, 13, 14 and 15, 1971, respectively.

OPINION OF BOARD: In their rebuttal to Carrier's submission the Employees withdrew the claims entered for May 7, 8, 9, 10, 14 and 15, 1971. Therefore the claims for those dates will be dismissed.

The claims for May 6 and 13, 1971 are sustained (Award 20017 Lieberman).

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 Employes involved in this dispute are respectively Carrier and Employes 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 claims for May 7, 8, 9, 10, 14 and 15, 1971 should be dismissed.

That the claims for May 6 and 13, 1971 should be sustained.

Award Number 20667  
Docket Number TD-20513

Page 2

A W A R D

Claims for May 7, 8, 9, 10, 14 and 15, 1971 are dismissed.

Claims for May 6 and 13, 1971 sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: A. W. Paulson  
Executive Secretary

Dated at Chicago, Illinois, this 31st day of March 1975.