

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20904
Docket Number MW-20984

Francis X. Quinn, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes
(
(Seaboard Coast Line Railroad Company

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

(1) The Agreement was violated when, on February 9, March 8 and March 21, 1973, other than First Shift Welding Gang Foreman L. J. Mobley was used to perform foreman's duties during overtime hours prior to and continuous with the first shift work period [System File C-4 L. J. Mobley/12-27 (73-4) E3].

(2) Welding Gang Foreman L. J. Mobley now be allowed six (6) hours of pay at his time and one-half rate account of the violation referred to in Part (1) hereof).

OPINION OF BOARD: Section 8, Rule 27 of the Agreement provides that for overtime work the senior available qualified employe will be used. Claimant was denied the opportunity to perform work of his rank and of his shift.

Claimant Mobley is entitled to six (6) hours of pay at his time and one-half rate.

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 Agreement was violated.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 12th day of December 1975.