

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22273
Docket Number MW-22146

Nathan Lipson, 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 Carrier violated the Agreement when it failed and refused to compensate Bridge Tender H. C. Licht in accordance with the Call Rule (Rule 26) for the services he performed prior to and not continuous with his regular work period on August 20, 22, 26, 27, 28 and 29, 1975 [System File 12-26(76-13) J3/C-4(6)-HCL/.

(2) Bridge Tender H. C. Licht be allowed the difference between the amount he received and the amount he should have received under the provisions of the Call Rule for the services he performed on the dates referred to in Part (1) hereof."

OPINION OF BOARD: The claim presents facts, contentions and rules similar to the facts, contentions and rules considered in our Awards 18090 and 21352, which involved the same Parties. We regard those Awards as controlling in this dispute. For reasons indicated in those Awards, the claim here must be sustained.

In Carrier's rebuttal statement, they allege - without confirmation - that compensation demanded in Statement of Claim has been paid to Claimant. Accordingly, if this allegation is factual, no further compensation is now due the Claimant under this Award.

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;

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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 disposed of in accordance with Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 12th day of January 1979.

