

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23036  
Docket Number MW-23062

Rodney E. Dennis, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes  
(Consolidated Rail Corporation (formerly The New York,  
( New Haven & Hartford Railroad Company)

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

(1) The Agreement was violated when outside forces were used to perform the work of cutting brush, ditching and clearing on the Newport Secondary Track at Portsmouth, Rhode Island (System Docket NH-8 Northeastern Region - New England Division).

(2) As a consequence of the aforesaid violation, furloughed Track Department employes L. S. Epstien, D. W. Kerrins, A. T. Bruscini, K. J. Montague and K. R. Lee each be allowed one hundred eighty-seven (187) hours of pay at their respective straight-time rates and twenty-eight (28) hours of pay at their respective time and one-half rates."

OPINION OF BOARD: The facts of this case, in our judgment, are identical with the facts presented to this Board in Award No. 23034. In that case, involving this Carrier and this Organization, we rendered a sustaining award. We see no reason to repeat our rationale and restate the arguments a second time. We do, however, think it appropriate to again comment on the amount of the award, so that no misunderstandings develop.

The Board in this case has agreed to award to the named claimants a total of 215 hours at the pro rata rate. The hours are to be equally divided among them.

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 sustained in accordance with Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

A. W. Paulke  
Executive Secretary

Dated at Chicago, Illinois, this 28th day of October 1980.

