

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24037  
Docket Number MW-24715

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees  
(  
(The Escanaba and Lake Superior Railroad Company

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

- (1) (a) The Agreement was violated when the Carrier failed and refused to allow Messrs. C. Ahlskog, D. Latvis, F. Barron and B. Latvis time for traveling between their home station (Ontonagon) and Amasa on either and/or December 11, 12, 13, 15, 16, 17 and 18, 1980

and

- (b) The Agreement was further violated when the claimants were not paid mileage allowance for the use of their personal automobiles therefor (System File ELS-1715).

- (2) The claim as presented in a letter dated February 13, 1981 by General Chairman W. C. Jorde shall be allowed as presented because General Manager John Larkin did not give reasons for his declination thereof dated July 24, 1981.

- (3) As a consequence of either or both (1) and/or (2) above

'Carl Ahlskog, Dave Latvis, Fred Barron and Bill Latvis for compensation at the named claimants applicable overtime rates of pay for time expended in traveling between claimants' headquarters in Ontonagon, Mi. and the work location at Amasa, Mi. for the following dates and times:

Carl Ahlskog: Driving on December 11, 12, 13, 17, 1980, for a total of 864 miles and seventeen (17) hours expended in travel during the recognized overtime hours.

Dave Latvis: Driving 216 miles on December 18, 1980, expending four (4) hours traveling during the recognized overtime hours.

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Fred Barron: Driving on December 16 and 17, 1980 for a total of 432 miles and expending eight (8) hours in traveling during the recognized overtime hours.

Bill Latvis: Driving on December 15 and 16, 1980, for a total of 432 miles and expending eight (8) hours traveling during the recognized overtime hours.'"

OPINION OF BOARD: In this docket, the Carrier has failed to file an ex parte submission and failure to do so leaves the position and assertions of the Organization, which adequately support the claim, unchallenged and uncontroverted. The claim, therefore, must be sustained. (Awards 14891, 24020 and 24021)

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 Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board had jurisdiction over the dispute involved herein; and

That the Agreement was violated.

A W A R D

Claim sustained as presented.



NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest: Acting Executive Secretary  
National Railroad Adjustment Board

BY

  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois this 15th day of November 1982.