

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24079
Docket Number MW-24072

Herbert L. Marx, Jr., Referee

PARTIES TO DISPUTE: { Brotherhood of Maintenance of Way Employees
{ Chicago, Milwaukee, St. Paul and Pacific Railroad Company

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

(1) The Carrier violated the Agreement when it assigned the work of constructing one hundred three (103) feet of track at the ends of Bridge D-30-281 to outside forces on September 10, 11, 12, 13, 14, 17, 18, 19, 20 and 21, 1979 (System File C#124/D-2385).

(2) The Carrier also violated Article IV of the May 17, 1968 National Agreement when it did not give the General Chairman advance written notice of its intention to contract said work.

(3) As a consequence of the aforesaid violations, Track Subdepartment employes R. D. Leigh, L. D. Labuda, E. W. Lewandowski, G. L. Bremer, R. L. Christian, C. H. Christian, T. R. Neuman and E. W. Albright each be allowed pay at their respective rates for an equal proportionate share of the sixty-two (62) man-hours expended by outside forces."

OPINION OF BOARD: Except as to the name of Claimants, this claim is in substance identical to that considered in Award No. 24078. The Board reaches the same conclusion based on the same reasoning here.

In view of the denial award, procedural issues in the dispute need not be reviewed further.

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 has jurisdiction over the dispute involved herein; and

That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Acting Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 5th day of January 1983.

