

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Joseph A. Sickles, Referee

Award Number 24379
Docket Number MW-24324

PARTIES TO DISPUTE: { Brotherhood of Maintenance of Way Employees
{ Ann Arbor Railroad System
{ (Michigan Interstate Railway Company, Operator)

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

(1) The Carrier violated the Agreement when it failed to recall furloughed Sectionmen A. R. Micham and J. W. Matthias to perform work on Section 7 on May 19 and 20, 1980 and instead assigned such work to Section Gang 6.

(2) Furloughed Sectionmen A. R. Micham and J. W. Matthias each be allowed sixteen (16) hours of pay at their respective straight-time rates because of the violation referred to in Part (1) hereof."

OPINION OF BOARD: The Claimants had been furloughed on March 26, 1980 and on May 19 and 20 members of Section 7 were called upon to replace five (5) broken rails.

The Claimants assert that they should have been recalled to perform the routine rail repair work since they were qualified and available to do so.

On the property, the Carrier asserted that it was necessary to change the broken rails in order to move trains and because of the "emergency nature of the project" the work was done with men available in order to continue the movement of equipment.

We believe that there is ample authority for the Carrier's action in this case and we do not feel that under the facts of record, as we understand them, that it was necessary to recall these Claimants to service to perform the work in question due to the timing and the nature of the work.

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 13th day of May 1983.

