

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24390
Docket Number MW-24319

Rodney E. Dennis, Referee

PARTIES TO DISPUTE: { Brotherhood of Maintenance of Way Employees
{ Missouri Pacific Railroad Company

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

(1) The Agreement was violated when Welder J. R. Carnline was not called to perform overtime service as a welder on January 19, 1980 and the Carrier instead used Assistant Roadmaster Malveaux for such service (Carrier's File S 310-360).

(2) Welder J. R. Carnline be allowed ten and one-half (10-1/2) hours of pay at his time and one-half rate because of the violation referred to in Part (1) hereof."

OPINION OF BOARD: Claimant, J. R. Carnline, a Welder in Carrier's service who lives in Shreveport, Louisiana, was called on Saturday, January 19, 1980, to work a derailment in the west end of the Shreveport yards. He was not reached by Carrier and Assistant Roadmaster Malveaux performed the necessary cutting and welding duties. Petitioner alleges that Claimant was available for work and should have been reached and given the work. Carrier contends that Assistant Roadmaster Malveaux made two calls to Claimant's home to call him for the work but he was not at home. Petitioner denies Carrier's statement on this issue.

A review of the record of this case convinces this Board that Carrier met its obligation to contact Claimant and offer him the overtime work. He was called twice in 45 minutes. He was not available to take the calls. Carrier, therefore, performed the cutting and welding with personnel available at the derailment site. Under the conditions present in this case, Carrier has not violated the agreement.

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 Employee involved in this dispute are respectively Carrier and Employee 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 26th day of May 1983.

