

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26426
Docket Number MW-25940

Rodney E. Dennis, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(Atchison, Topeka and Sante Fe Railway Company

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

(1) The Carrier violated the Agreement when it assigned junior Trackman G. D. Donals to perform overtime service on October 31, 1982 instead of calling and using Trackman J. P. Newman who was senior, available and willing to perform that service (System File 40-33-8224)

(2) Trackman J. P. Newman shall be allowed four (4) hours of pay because of the violation referred to in Part (1) hereof."

OPINION OF BOARD: On October 31, 1982, Carrier assigned a trackman junior to Claimant to perform overtime service. Claimant contends that he should have been called since he was available and willing to perform that service.

Carrier argues that Claimant was not available for duty since he had recently moved and did not provide Carrier with his new phone number. The Organization contends that Carrier should have made an effort to find out Claimant's new number.

This Board has reviewed the record and concludes that Carrier met its obligation in this instance. Claimant was not available and Carrier did not err by calling the junior trackman.

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;

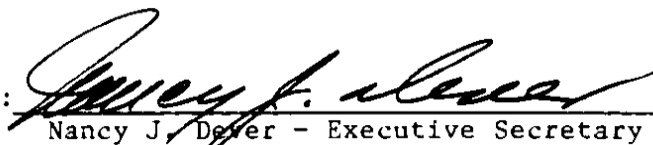
That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: 
Nancy J. Dwyer - Executive Secretary

Dated at Chicago, Illinois this 24th day of August 1987.