

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26537

Docket Number MW-25871

Rodney E. Dennis, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(Southern Pacific Transportation Company
(Eastern Lines)

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

(1) The Carrier violated the Agreement when it failed to call Machine Operator H. R. Brittingham for overtime service on September 10 and 11, 1983 but called and used Machine Operator R. Velasquez therefor (System File MW-83-105/402-12-A).

(2) Machine Operator H. R. Brittingham shall be allowed thirty-seven (37) hours of pay at his overtime rate because of the violation referred to in Part (1) hereof."

OPINION OF BOARD: Claimant, a Machine Operator, was not given overtime work on September 10 and 11, 1983; instead, an employee junior to Claimant was called in and given the work. Claimant contends that he should have been given the work. Carrier contends that Claimant was called, but he was not available to answer the phone, so he could not be offered the work in question.

This Board has reviewed the record and concludes that Carrier was not required to work Claimant on September 10, 1983, but that Carrier officials should have continued to seek out Claimant for the second day of work on September 11, 1983. Given Carrier's failure to follow up in this instance, we shall award Claimant 18.5 hours of pay at the straight-time rate.

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 violated.

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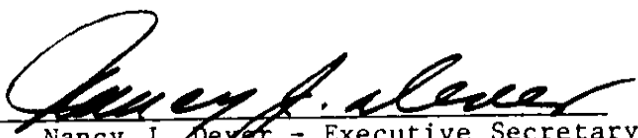
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Claim sustained in accordance with the Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Deyer - Executive Secretary

Dated at Chicago, Illinois, this 30th day of September 1987.