

The Third Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees  
(National Railroad Passenger Corporation  
(Amtrak) - Northeast Corridor

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

(1) The Agreement was violated when the Carrier assigned and used Repairman Foreman J. C. Campbell to perform overtime service on January 7, 1985, instead of assigning and using Repairman K. Gruver, who was available, qualified and willing to perform that service (System File NEC-BMWE-SD-1222).

(2) Because of the aforesaid violation, Repairman K. Gruver shall be allowed an additional five and one-half (5 1/2) hours of pay at his one-half time rate."

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

Based on the Board's reasoning in Third Division Award 27146, we shall deny this claim.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:   
Nancy J. Gruver - Executive Secretary

Dated at Chicago, Illinois, this 23rd day of June 1988.