

The Third Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

PARTIES TO DISPUTE: (American Train Dispatchers Association
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(Norfolk and Western Railway Company

STATEMENT OF CLAIM:

"(a) Claim eight (8) hours compensation the rate applicable to former yardmaster positions at Montpelier, Ohio, which compensation shall be in addition to any other compensation earned, for each Train Dispatcher claimant performing service on the train dispatcher positions involved in the Carrier's Fort Wayne Indiana office, on each respective date beginning June 9, 1984, account being required to perform duties associated with yard operations at Montpelier, Ohio historically and traditionally assigned to Yardmasters, which duties include, but are not limited to the following:

- (1) maintaining records, making decisions and issuing instructions to operating crews concerning which tracks are to be used by trains and engines entering, leaving and/or performing work in such yard;
- (2) instructing operating crews on the order in which certain cars are to be assembled for movement from yard;
- (3) instructing car inspectors which yard tracks are to be serviced first for next movement, and when air brake tests are to be performed after switching moves are completed.

(b) The claimants referred to in paragraph (a) above include, but are not limited to J. C. Marty, J. L. Walsh, K. M. Shea, K. J. Hartman, P. F. Hipsher, R. E. Zimmerman, A. M. Lamb, K. L. Ferre. Their respective identities and dates of service on the positions referred to in paragraph (a) above during the claim period, are readily ascertainable on a continuing basis, and shall be determined by a periodic joint check of the carrier's records in order to avoid continuation of the filing of a multiplicity of daily claims, until such time as the carrier

- (1) allows the compensation claimed in paragraph (a) above on a current and continuing basis, or
- (2) removes the yardmaster duties in reference, from the train dispatcher positions referred to in paragraph (a) above."

FINDINGS:

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

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes 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.

The claim arose after the Yardmaster position at Montpelier, Ohio was abolished on May 12, 1984. On June 9, 1984, the Carrier's Chief Train Dispatcher directed all Dispatchers at Ft. Wayne, Indiana as follows:

"Effective this date the Train Dispr will provide yarding instructions to trains at Montpelier. Attached is a map of Montpelier Yards. If any questions as to the instructions contact either J. J. Gillispie or W. Banta. Cars on hand can be obtained from the yard clerks on duty."

The Organization essentially contends that, as a result of the Chief Train Dispatcher's direction, its members were required to perform duties assigned to Yardmasters and, thus, they were entitled to compensation consistent with the claimed rate for Yardmaster work.

We have carefully reviewed the submissions and related materials progressed to this Board. There are a number of procedural matters asserted. While these are not without merit, we conclude on the record that the issue before us is best resolved on its merits.


With respect to the merits, the Board relies entirely on the record developed on the property. This record reveals that substantive assertions by the Carrier, mainly to the effect that the work claimed did not belong exclusively to one craft, were not materially refuted. They, therefore, stand as stated and the claim must be denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 16th day of December 1988.