

The Third Division consisted of the regular members and in addition Referee Elliott H. Goldstein when award was rendered.

PARTIES TO DISPUTE: ((Brotherhood of Maintenance of Way Employees
(Consolidated Rail Corporation

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

(1) The Carrier violated the Agreement when it failed and refused to allow Trackmen N. E. Noble and G. R. Broughman holiday pay for Labor Day (September 3, 1984) (System Dockets CR-1231 and CR-1232).

(2) Because of the aforesaid violation, Trackmen N. E. Noble and G. R. Broughman shall each be allowed eight (8) hours of pay at their respective straight time rates."

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.

Claimants N. E. Noble and G. R. Brougham establish and hold seniority as Trackmen in the Track Department on the Columbus Division. Claimant Brougham was displaced on August 30, 1984, his last work day preceding the Labor Day holiday. He ultimately displaced a junior employee in Urbana, Ohio after September 4, 1984.

Claimant Noble was displaced on Tuesday, September 4, 1984. He ultimately displaced a junior employee at Grandview Yards in Columbus, Ohio on September 13, 1984.

Both Claimants request eight (8) hours holiday pay for Labor Day, September 3, 1984.

The only issue before this Board is whether both Claimants met the qualifying requirements of the Holiday Pay Rule. We conclude that Claimant Brougham did not and Claimant Noble did qualify.

Claimant Noble reported for work Tuesday, September 4, 1984 ready, willing and able to work only to find that he was displaced just prior to the starting time of his assignment and was unable to displace prior to the starting time of a position occupied by a junior employee at another location.

However, Claimant Brougham cannot be considered as having qualified for holiday pay because of the irreconcilable information supplied in this record.

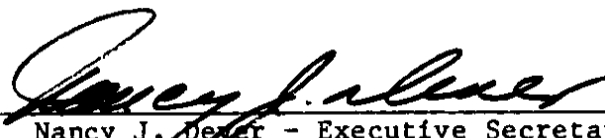
Claim sustained for Claimant Noble, declined for Claimant Brougham.

A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dwyer - Executive Secretary

Dated at Chicago, Illinois, this 2nd day of March 1989.