

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 Employes
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(The Detroit, Toledo & Ironton Railroad Company

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

(1) The Agreement was violated when, on June 20, 21, 25, 26, 27, 28, July 2, 3 and 5, 1984, the Carrier used Inspector of Machinery J. Rosser to perform repair work on Tamper 6500 (Carrier's File 8365-1-181).

(2) Furloughed Mechanic Truck Driver J. E. Wallace shall be allowed seventy-two (72) hours of pay at the mechanic truck driver's straight time rate and eighteen (18) hours of pay at the mechanic truck driver's time and one-half rate because of the violation referred to in Part (1) hereof."

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.

The Organization contends that the Inspector of Machinery performed repair work on Tamper 6500 from June 20 to July 5, 1984. It argues that Claimant, a laid-off Mechanic Truck Driver, should have been recalled to perform the repair work on the Tamper.

Carrier argues that Claimant was not a qualified repair person and that the Inspector of Machinery did not repair the machine, as the Organization contends.

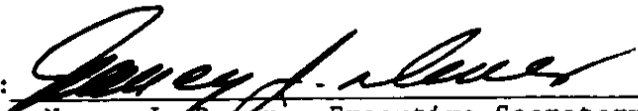
This Board has reviewed the record and the numerous decisions submitted by the parties. That review forces the Board to conclude that the Organization has not presented a clear and persuasive Claim. Based on the vagueness of the Claim and irreconcilable facts in the record, the Board has no recourse but to dismiss the Claim.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Deper - Executive Secretary

Dated at Chicago, Illinois, this 13th day of April 1989.