

The Third Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

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

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

(1) The Carrier violated the Agreement when it assigned Foreman P. Collins and Engineer of Work Equipment D. Alley, both of whom are regularly assigned to Gang G-052, to perform right-of-way clean up work from 10:00 P.M. to 6:00 A.M. on May 22 and 23, 1985, instead of assigning Foreman M. Holland and Engineer of Work Equipment R. Liszewski (System File NEC-BMWE-SD-1387).

(2) Foreman M. Holland and Engineer of Work Equipment R. Liszewski shall each be allowed sixteen (16) hours of pay at their respective time and one-half 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 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 substance of the Organization's Claim is that its Agreement was violated when Carrier used two members of Gang G-052 to clean up scrap and track material along the right-of-way near the vicinity of Penn Coach Yard instead of Claimants, who are members of Gang G-102 headquartered at the Penn Coach Yard.

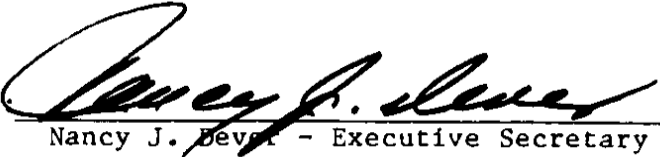
We have examined the record and reviewed the Rules relied upon by the Organization and are not persuaded that an Agreement violation occurred in this instance. The Claim will be denied.

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 10th day of August 1989.