

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

Award No. 28040  
Docket No. MW-27354  
89-3-86-3-575

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 Employees  
(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 snow removal work from 10:00 P.M. until 8:00 A.M. on February 5 and 6, 1985, instead of assigning Foreman M. Mooney and Engineer of Work Equipment J. Crandley (System Files NEC-BMWE-SD-1294 and NEC-BMWE-SD-1298).

(2) Foreman M. Mooney and Engineer of Work Equipment J. Crandley shall each be allowed ten (10) 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 for snow removal work instead of Claimants who are members of Gang G-102.

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.

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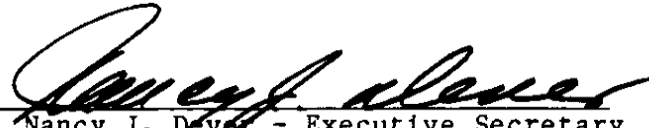
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A W A R D

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.