

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
(
(Burlington Northern Railroad Company (former St. Louis-
(San Francisco Railway Company)

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

(1) The Carrier violated the Agreement when it assigned outside forces to dismantle the Diesel Shop in the Lindenwood Yards at St. Louis, Missouri beginning June 1, 1985 (System File B-2291-1/GMWC 85-9-19B).

(2) The Carrier also violated Article 12, Rule 99 when the above-mentioned work was assigned to outside forces without prior notice to or consultation and agreement with the General Chairman.

(3) As a consequence of the aforesaid violations, B&B Foreman W. R. Reckling, Carpenter J. Vonnahme and Carpenter Helpers C. Lozier and J. Lozier shall each be allowed pay at their respective straight time rates for an equal proportionate share of the total number of man-hours expended by outside forces in performing the work 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 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 dispute involved in this Claim is identical in all essential respects to that involved in our Award 28147, except that this Claim involves the diesel shop instead of the rip track shed at St. Louis Lindenwood Yard. We adopt the results in that Award and this Claim will also be dismissed.

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Award No. 28148
Docket No. MW-27351
89-3-86-3-577

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 16th day of October 1989.