

The Third Division consisted of the regular members and in addition Referee Gil Vernon when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(Union Pacific Railroad Company
(Former Missouri-Kansas-Texas Railroad Company)

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

(1) The Agreement was violated when the Carrier assigned District No. 3 employe J. B. Hebert instead of furloughed District No. 4 employe C. L. Brown to work on District No. 4 from February 2 to March 2, 1987 (System File 300-27).

(2) As a consequence of the aforesaid violation, Mr. C. L. Brown shall be compensated for all wage loss suffered beginning February 2, 1987 up to but not including March 2, 1987."

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 instant case involves the same factual scenario as in Third Division Award 29054. The Claimant was in layoff status while an employee from Seniority District No. 3 performed work in his seniority district. The Claimant was later recalled. The arguments are also the same as set forth in Award 29054.

For the same reasons expressed in the aforementioned companion case, the claim is sustained.

A W A R D


Claim sustained.

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Award No. 29056
Docket No. MW-28478
91-3-88-3-278

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dover - Executive Secretary

Dated at Chicago, Illinois, this 22nd day of November 1991.