

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

Award No. 29705  
Docket No. CL-29772  
93-3-91-3-137

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

PARTIES TO DISPUTE: (Transportation Communications International  
(Union  
(  
(CSX Transportation, Inc. (former Louis-  
(ville and Nashville Railroad)

STATEMENT OF CLAIM:

"Claim of the System Committee of the Brotherhood  
(G-10548) that:

1. Carrier violated the Agreement on July 5, 1988 when Trainmaster C. G. Browning gave R530-05 called for 0130 on July 5, 1988, permission to pass a positive block between Aulon and Leewood doing work otherwise done by the third shift Operator whose position was blanked account the July 4th Holiday but who was available for work if needed.
2. As a result of the above violation, Carrier shall compensate the Senior Available Clerk, extra in preference, one (1) day's pay at the applicable rate, being the third shift Operator's rate at RS Leewood, Tennessee."

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 employe 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.

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"RS" Tower at Leewood Yard, Memphis, Tennessee, was shut down on July 4, 1988, a national holiday. Prior to closing the Tower for the holiday, Operators were instructed to leave switches controlled by "RS" in a certain configuration when going off duty. At 1:30 A.M. on July 5, 1988, a train departed Leewood Yard and proceeded by the Tower without having to manipulate the track alignment. There was no Operator on duty at the time because the third track was still observing the holiday. This Claim was filed contending that the Agreement was violated when the Trainmaster gave permission to pass a positive block controlled by the Tower.

The Board is not persuaded that the Claim has merit. An issue quite similar to this, involving the same Tower, was decided in Award 43, Public Law Board No. 3545. That decision is controlling here.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

  
Nancy J. Dever, Secretary To The Board

Dated at Chicago, Illinois, this 16th day of July 1993.