

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 29867
Docket No. MW-29936
93-3-91-3-317

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
(Soo Line Railroad Company

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

- (1) The Agreement was violated when the Carrier assigned junior Truck Driver F. Blaskowski instead of Truck Driver G. Wegener to operate the Glenwood, Minnesota section truck on Saturday, February 24 and Sunday, February 25, 1990 (System File R630/8-00004).
- (2) As a consequence of the aforesaid violation, Mr. G. Wegener shall be allowed ten (10) hours of pay at the truck driver's time and one-half rate."

FINDINGS:

The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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 facts in this case demonstrate, without contradiction, that Carrier did not follow agreement requirements when it assigned an employee with less seniority than Claimant to operate the Glenwood, Minnesota, Section Truck on Saturday and Sunday, February 24 & 25, 1990. The claim has merit. It will be sustained.

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A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Catherine Loughrin
Catherine Loughrin Interim Secretary to the Board

Dated at Chicago, Illinois, this 26th day of October 1993.