

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

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes
(
(CSX Transportation, Inc. (former Louisville
(and Nashville Railroad Company)

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

- (1) The Carrier violated the Agreement when it assigned Welders L. K. Cox and M. Grimes to perform track work (apply anchors, pull spikes, drive spikes and tamp ties) at Mile 110.5 on the Nashville Seniority District, Memphis Line on September 26, 1989 [System File 11(64)-(89)/12 (89-991) LNR].
- (2) As a consequence, Track Repairmen R. A. Foster and J. T. Ray shall be paid two (2) hours' pay at their respective straight time rates of pay."

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.

The Organization raised a timely objection to evidence offered by Carrier de novo in its Submission. None of that evidence will be considered by this Board. The Board's findings are based solely upon the record established on the property.

At the time this claim arose, Claimants were Track Sub-department employees assigned on Carrier's Nashville Seniority District. On September 26, 1989, Carrier assigned a Welder and Welder Helper to make field welds at Mile Post 110.5 on the Memphis Line, Nashville Seniority District. In the course of their work, the Welders removed and replaced anchors, spaced ties, pulled and drove spikes and tamped ties. The Welders worked a total of two hours straight time.

By letter of October 3, 1989, the Organization submitted a claim alleging that the Welders had performed Track Sub-department work, and requesting Claimants each be paid two hours pay at their straight time rate.

The facts of this case and the Parties involved are identical to those in Third Division Award 29913. For the reasons set forth in that Award, the present claim is sustained in its entirety.

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 9th day of November 1993.