

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISIONAward No. 30096  
Docket No. MW-30229  
94-3-91-3-688

The Third Division consisted of the regular members and in addition Referee Hugh G. Duffy when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes  
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(Terminal Railroad Association of St. Louis

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

1. The Agreement was violated when the Carrier assigned junior Machine Operator Jerry West, instead of senior Machine Operator Roger Glenn, to perform overtime service at Madison, Illinois on October 20, 1990 (System File 1990-25/013-293-15).
2. As a consequence of the violation referred to in Part (1) above, Claimant Roger Glenn shall be allowed twelve and one-half (12 1/2) hours' pay at his time and one-half rate 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 alleges that the Carrier violated the Agreement when it called out a junior Machine Operator instead of the Claimant on October 20, 1990, for overtime work.

The Carrier asserts that the Claimant was scheduled for work on that date but failed to report for duty. The Claimant asserts that no one advised him that he was scheduled to work.

The Board finds that it has been presented with irreconcilable statements of fact in this matter, and, under well-established precedents of the Board, the Claim must be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest: Catherine Loughrin / lw  
Catherine Loughrin Interim Secretary to the Board

Dated at Chicago, Illinois, this 4th day of April 1994.