

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISIONAward No. 30174  
Docket No. MW-29702  
94-3-91-3-46

The Third Division consisted of the regular members and in addition Referee Thomas J. DiLauro when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes  
(  
(CSX Transportation, Inc. (former  
(Seaboard Coast Line Railroad Company)

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

1. The Carrier violated the Agreement when it failed and refused to properly compensate Cook O.C. Hodges for overtime service he performed on November 1, 2, 3, 4, 5, 6, 7, 15, 16, 17, 18 and 19, 1989 [System File COOKS-90-6/12(90-117) SSY].
2. The Agreement was further violated when the Carrier failed and refused to properly compensate Cook Nathaniel Solomon for overtime service he performed on November 1, 2, 3, 4, 5, 6 and 7, 1989.
3. The Agreement was further violated when the Carrier failed and refused to properly compensate Cook J.L. Carter for overtime service he performed on November 1, 2, 3, 4, 5, 6, 7, 15, 16, 17, 18 and 19, 1989.
4. As a consequence of the violations in Parts (1), (2) and (3) above:
  - (a) Claimant O. C. Hodges shall be allowed pay for thirty-five (35) hours and fifteen (15) minutes at his time and one-half overtime rate.
  - (b) Claimant Nathaniel Solomon shall be allowed pay for twenty-one (21) hours at his time and one-half overtime rate.

- (c) Claimant J. L. Carter shall be allowed pay for thirty-six (36) hours at his time and one-half overtime 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 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.

Except as to dates, this Claim is identical to that reviewed in Third Division Award 30009, and the Board reaches the same conclusion.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

*Linda Woods*

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Linda Woods - Arbitration Assistant

Dated at Chicago, Illinois, this 26th day of April 1994.