

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 30177
Docket No. MW-29705
94-3-91-3-49

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 Employees
(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 Marvin A. Lang for overtime service he performed on March 21, 22, 23, 24, 25, 26 and 27, 1990 [System File COOKS-90-27/12(90-571) SSY].
2. As a consequence of the violation in Part (1) above, Claimant Marvin A. Lang shall be allowed twenty-four (24) hours pay 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 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.

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.

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By Order of Third Division

Attest: Linda Woods
Linda Woods - Arbitration Assistant

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