

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 30270
Docket No. CL-30784
94-3-92-3-494

The Third Division consisted of the regular members and in addition Referee Dana E. Eischen when award was rendered.

(Transportation Communications International
Union
PARTIES TO DISPUTE: (
(CSX Transportation, Inc., (former
(Chesapeake and Ohio Railway Company)

STATEMENT OF CLAIM:

"Claim of the System Committee of the Organization (GL-10832)
that:

- (A) The Carrier violated the terms of the General Agreement and Memoranda thereto when it utilized the services of Welder Jones, Machinist Gossett to perform the duties of the Storeroom Foreman in the Diesel Shop Storeroom on April 24, 1989, in violation of Rules 1 and others; and,
- (B) The Carrier shall now arrange to allow Storeroom Foreman C. C. McCauley, ID 628083, four (4) hours and thirty (30) minutes pay at the punitive rate of \$109.06 per day for the above date."

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.

We note that the Organization made a timely filing of its Ex Parte Submission of dispute to the Third Division, but Carrier failed altogether to file any Submission with the Board. Carrier's failure to file requires the Board to sustain the claim as presented. In effect, Carrier chose not to refute the Organization's position. It should be noted that in sustaining the claim on this ground, we neither express nor imply any opinion concerning the underlying merits of the dispute.

AWARD

Claim sustained.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 19th day of July 1994.