

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISIONAward No. 30535  
Docket No. MW-30466  
94-3-92-3-410

The Third Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

PARTIES TO DISPUTE: (Consolidated Rail Corporation  
(  
(Brotherhood of Maintenance of Way Employees

STATEMENT OF CLAIM:

"Claim in behalf of K. Altman and four others, account Carrier utilized an outside contractor, PavMaster, to perform paving of a crossing at Conway, PA, and did not give the General Chairman advanced written notice of its intention to contract said work." (MW-1837)

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 were given due notice of hearing thereon.

This claim is identical to that reviewed in Third Division Award 30544. There is no purpose served in a further review of this matter.

AWARD

Claim dismissed.

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**ORDER**

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Dated at Chicago, Illinois, this 9th day of November 1994.