

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 30783
Docket No. MW-30601
95-3-92-3-369

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

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(CSX Transportation, Inc. (former
(Louisville and Nashville Railroad Company)

STATEMENT OF CLAIM:

"Claim of the System Committee of the Brotherhood that:

- (1) The Carrier violated the Agreement when Car Shop employees were used to perform Track Subdepartment work (cut weeds) in the track and along the right of way at the north end of the 'D' Yard Lead and near the 'L' Line at Radnor Yard, Nashville, Tennessee on May 8, 1991. [System File 10(71)(91)/12(91-1087)LNR].
- (2) As a consequence of the violation referred to in Part (1) above, Messrs. J. R. Lackey, N. C. Bess and R. D. Daniel shall each be paid eight (8) hours' pay at their respective straight time rates of pay for the time spent by the Car Shop employees performing Track Subdepartment work."

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.

This dispute, submitted to the Board by the Organization on April 10, 1992, is a duplicate of the claim (Docket MW-30372) submitted by the Carrier on February 12, 1992. The Board denied the earlier submitted claim for failure of proof in Third Division Award 30782. Based upon that decision, this claim is dismissed.

AWARD

Claim dismissed.

O R D E R

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 6th day of April 1995.