

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 31152
Docket No. MW-30362
95-3-92-3-105

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

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(CSX Transportation, Inc. (former
(Chesapeake and Ohio Railway Company

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

(1) The Agreement was violated when the Carrier failed and refused to compensate Messrs. E. B. Capps, R. D. Howard, T. A. Legg, C. S. Hefner and R. L. Tucker for the amount of travel time expended driving to and from their assigned work site and the assigned headquarters point of Force 5GY1 from August 1 through September 27, 1990 [System File C-TC-5127/12(91-36) COS].

(2) As a consequence of the violation referred to in Part (1) above, the Claimants shall each be compensated '. . . a total of (124) hours each, for traveling time at the applicable rate for the above listed dates, plus mileage, as so stated in Arbitration Award 298 at the appropriate 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.

This is a claim on behalf of five employees who worked as members of Force 5GY1 and seek travel time and pay as a result of being assigned to remain at Covington, Virginia, to complete

certain anchor spike work while the remainder of the gang relocated elsewhere.

This is closely similar to the situation considered in Third Division Award 31151 and the Board reaches the same conclusion.

In view of this, it serves no purpose to consider the Carrier's argument as to the untimeliness of the claim, which argument the Organization contends was not, in any case, raised on the property.

AWARD

Claim denied.

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 26th day of September 1995.