

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 31203
Docket No. MW-31393
95-3-93-3-397

The Third Division consisted of the regular members and in addition Referee Robert L. Hicks when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(Union Pacific Railroad Company (former
(Missouri Pacific Railroad 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 allow Welder G.D. Hice and Welder Helper C.L. Stricklin travel time and mileage allowance they incurred as a result of the change in work locations cited within the Personal Expense Statements* submitted to the Carrier under dates of November 11, 1991, April 12 and 14, 1992 and May 1, 1992 (Carrier's File 920403 MPR).
- (2) As a consequence of the violation referred to in Part (1) above, Messrs. Hice and Stricklin shall each be allowed mileage and travel time as claimed in the Personal Expense Statements submitted to the Carrier."

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.

Both Claimants are in or are the on-line welding gang who are furnished Carrier transportation when moving from point A to point B. They do not qualify for mileage expenses when utilizing their own automobiles in moving from one point to another under these circumstances. Because the moves were accomplished during regular working hours, they do not qualify for additional travel time.

Carrier's position is supported not only by the Rule, but by the Organization's own interpretation thereof, as shown by a circular authored by the Organization's member of Arbitration Board No. 298, then President H. C. Crotty. Because the Claim will be denied, it will not be necessary to resolve Carrier's procedural arguments.

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 1st day of November 1995.