

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 31797
Docket No. CL-32007
96-3-94-3-370**

The Third Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

PARTIES TO DISPUTE: (
(Transportation Communications International Union
(National Railroad Passenger Corporation (AMTRAK)

STATEMENT OF CLAIM:

"Claim of the System Committee of the Organization (GL-11063) that:

(a) The Carrier violated the Rules Agreement effective September 1, 1976, as amended and revised, particularly Rule 4-B-1 and others when it does not afford Claimant E. Williams a lunch period and does not compensate him properly and when he puts it on his time card it is scratched off.

(b) Claimant E. Williams now be allowed twenty (20) minutes overtime each and every work day beginning on June 22, 1992, and to continue each and every day he works until he is paid properly or is given twenty (20) minutes undisturbed to eat lunch.

(c) Claim filed in accordance with Rule 7-B-1, and should be allowed."

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.

Review of this record fails to establish that the Claimant, at any time, was not allowed 20 minutes in which to eat, as contemplated by the application of paragraph (e) of Rule 4-B-1. Paragraph (e) of Rule 4-B-1 is the only provision of Rule 4-B-1 that is applicable to the Claimant's assignment. Paragraphs (a) (b) and (c) which are cited by the Organization do not apply as they pertain to positions that have fixed unpaid meal periods.

The claim is without merit.

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 December 1996.