

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 32159
Docket No. MW-31411
97-3-93-3-365**

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

**(Brotherhood of Maintenance of Way Employees
PARTIES TO DISPUTE: (
(National Railroad Passenger Corporation (AMTRAK)**

STATEMENT OF CLAIM:

“Claim of the System Committee of the Brotherhood that:

- (1) The Carrier violated the Agreement when it assigned or otherwise allowed outside forces (George Hyman Company) to construct a wall next to the McDonald's in the South Arcade at the 30th Street Station at Philadelphia, Pennsylvania on March 26, 27, 30, 31, April 1, 2 and 3, 1992 (System File NEC-BMWE-SD-3147 AMT).**
- (2) The Agreement was further violated when the Carrier failed to give the General Chairman advance written notice of its plans to contract out said work.**
- (3) As a consequence of the aforesaid violations, B&B Mechanics T. Finizio, J. Rocco and P. Lavelle shall each be allowed fifty-six (56) hours' pay at their respective straight time rates.”**

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.

Except as to date, Claimants, and type of work, this dispute is identical to that reviewed by the Board in Third Division Award 32156, and the Board reaches the same conclusion.

AWARD

Claim dismissed.

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 13th day of August 1997.