

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 36621
Docket No. MW-35098
03-3-98-3-844**

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

**(Brotherhood of Maintenance of Way Employees
PARTIES TO DISPUTE: (
(Consolidated Rail Corporation**

STATEMENT OF CLAIM:

“Claim of the System Committee of the Brotherhood that:

- (1) The Agreement was violated when the Carrier used Mr. H. H. Wilkinson to perform overtime service in connection with the moving of camp cars and equipment: (a) from Sewickley, Pennsylvania to Columbiana, Ohio on May 1 and 2, 1997; (b) from Cleveland, Ohio to Chicago, Illinois from May 8 through May 12, 1997; (c) from Columbiana to Massilon, Ohio from May 15 through 19, 1997; (d) from Massilon to Wooster, Ohio from May 22 through 27, 1997; (e) from Chicago, Illinois to Elkhart, Indiana from June 12 through June 16, 1997 and (f) from South Brownsville to Waynesburg, Pennsylvania from July 3 through July 6, 1997 (System Dockets MW-4959, MW-4955, MW-4954, MW-4956, MW-4958 and MW-4960).**
- (2) As a consequence of the violations referred to in Part (1) above, Foreman S. Stacy shall be compensated at his appropriate overtime rate of pay for all hours expended in the performance of the work in question.”**

FINDINGS:

The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

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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.

This is a companion claim to the matter decided by the Board in Third Division Award 36614. For reasons set forth in detail therein, the instant claim likewise is denied.

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 29th day of July 2003.