

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 36622
Docket No. MW-35116
03-3-98-3-871**

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

PARTIES TO DISPUTE: (
(Brotherhood of Maintenance of Way Employees
(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. C. L. Immel to perform overtime service in connection with the moving of camp cars and equipment at Wooster, Ohio on June 16, 1997 and from Wooster, Ohio to Latrobe, Pennsylvania on June 17, 1997 (System Dockets MW-4962 and MW-4961).**
- (2) As a consequence of the violations referred to in Part (1) above, Foreman S. Stacy shall be allowed pay for twelve (12) hours at his respective time and one half rate and eight (8) hours at his respective double time rate of pay.”**

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.

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.