

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 45310
Docket No. MW-47990
24-3-NRAB-00003-230480**

The Third Division consisted of the regular members and in addition Referee Erica Tener when award was rendered.

**(Brotherhood of Maintenance of Way Employees Division –
(IBT Rail Conference**

PARTIES TO DISPUTE: (

(Springfield Terminal Railway Company

STATEMENT OF CLAIM:

“Claim of the System Committee of the Brotherhood that:

(1) The Agreement was violated when the Carrier did not assign or attempt to call I&R Trackman T. Pierce who worked on Crew 5449 out of North Adams, Massachusetts for overtime inspection work on his applicable territory on January 16, 2022 and January 19, 2022 but instead improperly assigned employees D. Brunelle and W. Roussel and D. Brunelle and C. Brunelle, respectively, who worked as maintenance foreman and trackman out of East Deerfield, Massachusetts (System File S-2210P-1003/MW-22-11 STR).

(2) The Agreement was violated when the Carrier did not assign or attempt to call I&R Trackman T. Pierce who worked on Crew 5449 out of North Adams, Massachusetts for overtime inspection work on his applicable territory on November 24, 30 and December 24, 2021 but instead improperly assigned employees R. Whiteman and A. Holmes, K. Jones and A. Holmes and D. Brunelle and C. Brunelle, respectively, who worked as maintenance foreman and trackman out of East Deerfield, Massachusetts (System File S- 2210P-1001/MW-22-07).

(3) As a consequence of the violation referred to in Part (1) above, Claimant T. Pierce shall now ‘... be compensated fourteen and one-half (14.5) hours at the I&R Trackman time and one-half rate of pay, as all credits for vacation and all other benefits for the date claimed for the missed work opportunity. *’ (4) As a consequence of the violation referred to in Part (2) above, Claimant T. Pierce shall now ‘... be**

compensated thirteen and onehalf (13.5) hours at the I&R Trackman time and one-half rate of pay, as all credits for vacation and all other benefits for the date claimed for the missed work opportunity. ***”

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.

Prior to oral argument with respect to this case, the parties agreed that the listed claim had been settled on the property. Consequently, this case shall be dismissed.

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 29th day of August 2024.