

PUBLIC LAW BOARD NO. 164

Parties } United Transportation Union (T)  
to }  
Dispute } Union Pacific Railroad Company-Eastern District

Statement of Claim: Claims of various Ogden brakemen on various dates in October and November, 1965, for 150 miles each on specified dates, account not called to perform flagging service.

Findings: Here the correct claim dates and claimants are as follows: October 4, Bagley; October 11, Frongner; October 18, Egbert; October 25, R. E. Miller; November 1, R. H. Miller; November 8, Woodbury; and November 15, Cook -- all in 1965.

From the weight of the evidence presented at the hearing the Board is persuaded, on balance, that the flagging work performed by section hands on the above claim dates was not mainly incidental to their maintenance of way service, but constituted the core of their duties. Then, under the principle set forth in Award No. 1 of this Board, an affirmative award is here required.

As to remedy, the Board follows the finding in the third paragraph of its Award No. 4: 100 miles for each of the above agreed-on claim dates and claimants is proper, and Carrier is directed to pay same within 45 days.

AWARD: Claim sustained per Findings.

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Carroll R. Daugherty  
Carroll R. Daugherty  
Chairman and Neutral Member

J. H. Kenny  
J. H. Kenny, Carrier Member

C. F. Christiansen  
C. F. Christiansen, Employee Member

Omaha, Nebraska  
March 3, 1969

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