

AWARD NO. 38
Case No. 38

PUBLIC LAW BOARD NO. 164

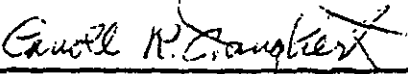
Parties) United Transportation Union (T)
to)
Dispute) Union Pacific Railroad Company-Eastern District

Statement of Claim: Claim of Brakeman D. A. Sydsyk, Council Bluffs, for 85 miles deadhead Omaha to Columbus, October 24, 1965, and 150 miles at the work train rate of pay October 25, 1965, account not used for flagging purposes at MP 80.49, and the claim of Brakeman G. Peterson, Council Bluffs, for 150 miles at work train rate of pay, October 26, 1965, account not used for flagging purposes at MP 80.49.

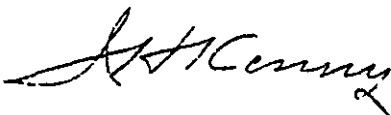
Findings: The record in this case in respect to the circumstances existing on the valid claim dates establishes that, although the maintenance of way employees did perform flagging, same was not the core portion of their service but was only incidental to their primary section hand work. Given this finding of fact, an application of the basic principle set forth in this Board's Award No. 1 commands a denial award here.

AWARD: Claim denied.


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Carroll R. Daugherty
Chairman and Neutral Member



J. H. Kenny, Carrier Member



C. F. Christiansen, Employee Member

Omaha, Nebraska
March 3, 1969

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