

Award No. 31

Case No. 31

Public Law Board No. 2203

PARTIES  
TO  
DISPUTE:

Brotherhood of Maintenance of Way Employes

and

Consolidated Rail Corporation

STATEMENT  
OF  
CLAIM:

(a) The Carrier violated the Rules Agreement effective April 15, 1944, as modified September 1, 1949, January 22, 1974 and March 4, 1976, particularly Rules 1-Scope, 2-Seniority District, 2-e-1 and others, when six (6) former CRR of NJ unprotected Trackmen were used on the former Lehigh Valley Railroad at Nye Avenue Yard, Irvington, New Jersey, repairing a derailment between 7:00 a.m. and 3:30 p.m. each day April 12 and 13, 1977.

(b) As the result of such violation, Trackmen: A. Melone, J. Loughlin, J. Crane, E. McDonald, P. Hackenburg, and Welder-Helper R. Eorio be compensated at the applicable rate, for each day the violation occurred.

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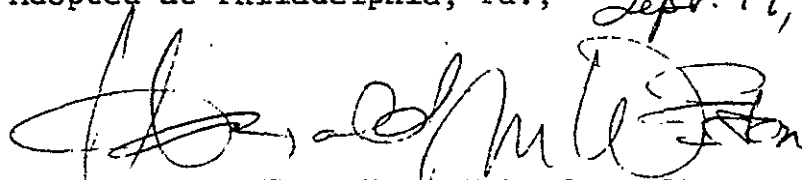
FINDINGS:

What we had to say in Award 29, which concerns the same issue, factual situation, rules and shortcoming in proof as are involved here, is equally applicable to the present case.

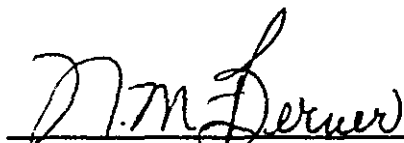
AWARD:

Claim denied.

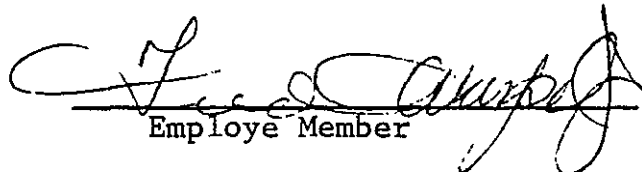
Adopted at Philadelphia, Pa., Sept. 17, 1979.



Harold M. Weston, Chairman



Carrier Member



Employee Member