

Award No. 33
Case No. 33

Public Law Board No. 2203

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
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, 2-d-3 Seniority Districts, 3-e-1 and others, when two former P.C. Foremen, one bus driver, and fourteen (14) trackmen (two protected; all others unprotected), were used on the former Lehigh Valley Railroad between Aldene and Newark, N. J. laying spikes and plates for upcoming rail gang between 7:00 a.m. and 3:30 p.m., April 15, 1977.

(b) As the result of such violation, Claimants F. Santos and F. Swarrow be compensated at the Foreman rate; P. Hackenburg at the Trackman-Truck

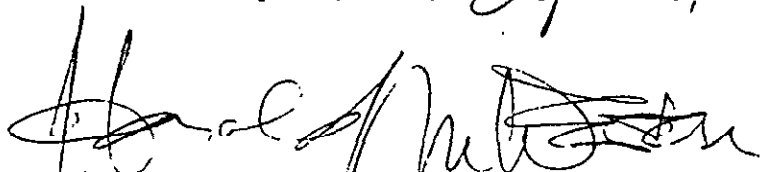
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driver rate; and the following at the trackman rate: J. Laughlin, J. Crane, R. Jacques, H. Aulet, F. Fueutes, J. Torman, R. Eorio, E. McDonald, A. Malone, K. Connahan, A. McNeil, R. Thomas, W. Avery and G. Klein, for April 15, 1977.

FINDINGS: This record fails to show that the disputed work was actually performed by ineligible employees. In line with Award 29, concerning the same basic situation and issue, the claim will be denied.

AWARD: Claim denied.

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



Harold M. Weston, Chairman



Carrier Member



Employee Member