

Award No. 34
Case No. 34

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, 2-e-1 and others when former P-C Foreman F. Martins and five (5) unprotected P-C Trackmen were used on the former Lehigh Valley at No. 56 Lead, East End, Oak Island, New Jersey from 9:00 a.m. to 7:00 p.m., April 3, 1977, repairing derailment.

(b) As the result of such violation, Claimant F. Santos be compensated at the applicable Foreman rate, and Claimants J. Torman, F. Fuentes, H. Aulet, K. Connahan and C. H. Nixon be compensated ten (10) hours at the applicable Trackman rate, for April 3, 1977.

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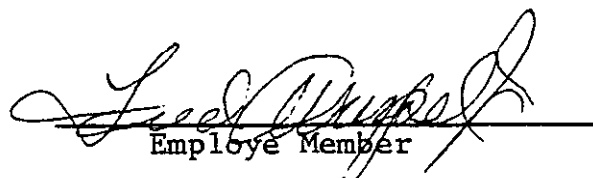
FINDINGS: The same problem of proof that was mentioned in
Award No. 29 is found to exist here.

AWARD: Claim denied.

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


Harold M. Weston, Chairman


Carrier Member


Employee Member