

PUBLIC LAW BOARD NO. 2444

Award No. 60

Case No. 74

Docket No. MW-81-110

Parties Brotherhood of Maintenance of Way Employees

to and

Dispute Southern Pacific Transportation Company  
(Texas and Louisiana Lines)

Statement

of Claim: Claim of BMWE and Track Foreman Leon Singleton and Track Laborers C. L. Carmouche, C. A. Myrick and P. D. Mendosa for 26 hours each at their respective overtime rates of pay, alleging not being called and younger men in seniority allowed to work on overtime basis:

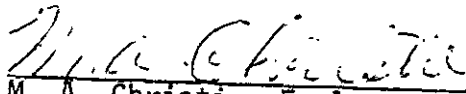
Findings: The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated July 19, 1979, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.


A derailment on Saturday, April 11, 1981, at MP 22 near Kingwood Road crossing. Employees junior to Claimants were called and used.


There appeared to be a dispute in facts between the assertions of the parties. While ordinarily such would be a basis for a dismissal award there is a limited basis established in the record to permit the Board to conclude that the mutual interests of the parties would be best served if Claimant were allowed 8 hours at the straight time at pro rata rate and that the fact of a telephone number being on file be cleared up.

Award: Claim disposed of as per findings.

Order: Carrier is directed to make this Award effective within thirty (30) days of date of issuance shown below.

  
M. A. Christie, Employee Member

  
C. B. Goyne, Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member

Issued May 11, 1983.