

Award No. 6  
Case No. 15

Public Law Board No. 2778

PARTIES  
TO  
DISPUTE:

Brotherhood of Maintenance of Way Employees  
and  
Baltimore and Ohio Railroad Company

STATEMENT  
OF  
CLAIM:

Claim on behalf of Kenneth J. Bush for overtime worked by Foreman Ed Hamrick from on or about August 7 to September 1979.

FINDINGS:


This claim stems from the use of Foreman Hamrick to transport fuel for rail gang machines. Claimant was available for that work and, like Mr. Hamrick, was assigned to Force No. 1234 at Gassaway, West Virginia.


We have been referred to no rule or practice that prevents a foreman from hauling fuel to trackmen. In this instance, the only vehicle available was a hi-rail 1/2 ton pickup truck and Foreman Hamrick, but not claimant, had the necessary permit to operate it.

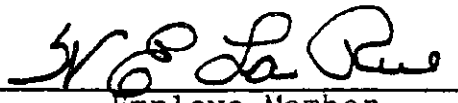
AWARD:

Claim denied.

Adopted at Baltimore, Maryland, February 2, 1983.

  
Harold M. Weston, Chairman

  
Carrier Member

  
Employee Member