

PUBLIC LAW BOARD NO. 3539

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES  
versus  
MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT  
OF CLAIM:

Claim of the System Committee that:

"Claim of Track Foreman R. D. Clifford and Trackman E. Boyd for 15.5 hours at their time and one half rate for October 13 and 14, 1981, because Rules 2 and 14 of the Agreement allegedly were violated.

FINDINGS:

It appears that on October 12, 1984, there was an understanding between claimants and Roadmaster Nettles that claimants would go off duty at 3:30 p.m. for rest and return at midnight to resume the track patrol.

Prior to midnight, it was found that water was over the track, all traffic was stopped and track patrol was not needed, so the claimants were informed to report at their regular starting time 7:00 a.m. While Gang Foreman Self remained on duty throughout the night, it is not shown that he performed claimants' duties after midnight.

Under these circumstances, the claim is not sustainable.

AWARD:

Claim denied.

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*Dudley E. Whiting*  
Dudley E. Whiting - Chairman

*M.A. Christie*  
M.A. Christie  
Employee Member

*W.E. Naro*  
W. E. Naro  
Carrier Member

November 1, 1984

File: 310-526