

PUBLIC LAW BOARD 3765
(Expedited Procedure)

Award No. 51

Parties to Dispute:

Brotherhood of Maintenance of Way Employees
and
Grand Trunk Western Railroad Incorporated

Statement of Claim:

Claim filed October 15, 1990, on behalf of K. E.
McDonough on account Carrier used junior employee to
perform overtime work on September 29, 1990.

Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and this Board is duly constituted by agreement under Public Law 89-456 and has jurisdiction of the parties and subject matter.

It has been agreed that this Award is without prejudice to the position of either party.

A W A R D

Claim disposed of as follows:

Organization not meet burden
of proof. claim denied

R. E. Dennis
R. E. Dennis, Neutral Member

Donald Bartholomay
Donald Bartholomay
Employee Member

R. J. O'Brien
R. J. O'Brien
Carrier Member

Date: December 4, 1995