

PROCEEDINGS BEFORE PUBLIC LAW BOARD NO. 3781

AWARD NO. 6

Case No. 6

Referee Fred Blackwell

Carrier Member: R. O'Neill

Labor Member: W. E. LaRue

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

vs.

CONSOLIDATED RAIL CORPORATION

STATEMENT OF CLAIM:

Claim of the Brotherhood (CR-567) that:

(a) The Carrier violated the provisions of the effective working agreement dated February 1, 1982, when on July 13, 1983, it refused to allow Claimant B&B Mechanic Paul Rivas to return to duty although he was able and available for service, which is a violation of Rule 27, Section 1(b).

(b) The Carrier further violated the agreement, particularly Rule 26(b), when it failed to timely respond to letter of appeal dated September 22, 1983.

(c) Claimant Rivas' record be cleared and he be compensated for each day he was denied work from July 13, 1983, at his applicable rate of pay, eight (8) hours per day, until he was allowed to return to service.

FINDINGS:

Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are Carrier and Employees within the meaning of the Railway Labor Act, as amended, and that this Board is duly constituted by agreement and has jurisdiction of the parties and of the subject matter.

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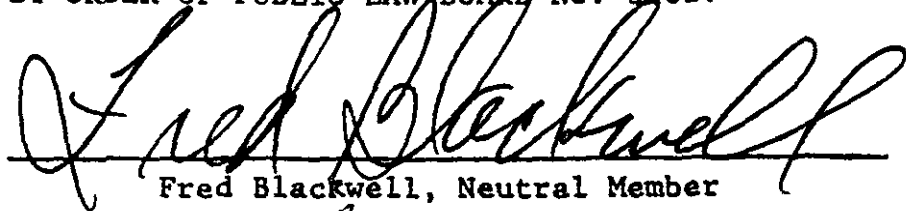
OPINION

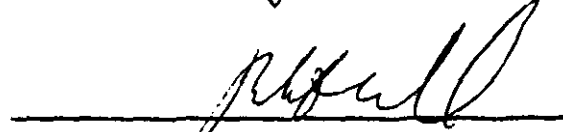
Having been disposed of by the parties during argument of the case before the Board, the herein claim is dismissed.

AWARD:

Case dismissed.

BY ORDER OF PUBLIC LAW BOARD NO. 3781.


Fred Blackwell, Neutral Member


R. O'Neill, Carrier Member


W. E. LaRue, Labor Member

Executed on 2/12, 1986.