

PROCEEDINGS BEFORE PUBLIC LAW BOARD NO. 3781

AWARD NO. 9

Case No. 9

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-664) that:

(a) The Carrier has violated the current Scheduled Agreement, particularly the Scope Rule pertaining to contracting out Maintenance of Way work, when it used an outside firm to fabricate 40 AM-CPG1 and 100 AUS-CPG1 gusset plates and 75 PAHP1 adjustable handle pins of the Plasser regulator.

(b) Canton Shop Repairman W. A. Gray, Claimant, having fabricated the initial gussets and pins used as a template, should be compensated for 30 hours straight time for the Carrier's violation of the Scheduled Agreement.

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.

OPINION

The facts and Agreement issues presented to the Board in this claim are essentially the same as the facts and issues presented to the Board in Case No. 8, Award No. 8. Accordingly, in

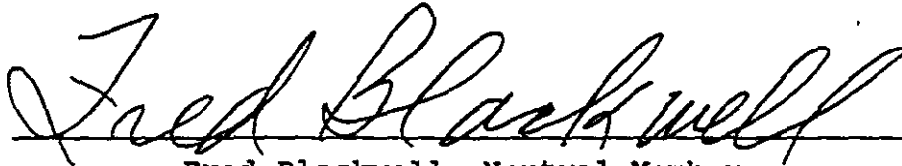
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line with this Board's denial decision in Award No. 8, the herein claim will also be denied.

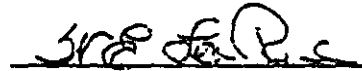
AWARD:

Claim denied.

BY ORDER OF PUBLIC LAW BOARD NO. 3781.


Fred Blackwell, Neutral Member


R. O'Neill, Carrier Member


W. E. LaRue, Labor Member

Executed on Feb 12, 1986.