

PUBLIC LAW BOARD NO. 4816

Parties
to the
Dispute

In the Matter of the Arbitration between
CSX Transportation Inc.
(former Louisville & Nashville)
and
Brotherhood of Maintenance of Way Employees

Case No. 3

STATEMENT OF CLAIM

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| 1. | R.W. Davis - ID 187944
From 11/21/88 thru 12/23/88 | 214.50 Meals |
| 2. | E.S. Burns - ID 187581
From 11/21/88 thru 12/23/88 | 214.50 Meals |
| 3. | W.A. Stiles - ID 187561
From 11/21/88 thru 12/23/88 | 214.50 Meals
216.36 Mileage |
| 4. | R.J. Massingale - ID 187989
From 11/21/88 thru 12/23/88 | 214.50 Meals |
| 5. | R.D. Claiborne - ID 187508
From 11/22/88 thru 12/23/88 | 208.00 Meals
264.00 Mileage |
| 6. | E.L. Silver - ID 187508
From 11/22/88 thru 12/23/88 | 136.50 Meals
140.80 Mileage |
| 7. | J.L. Brantley - ID 187510
From 11/21/88 thru 12/23/88 | 214.50 Meals |
| 8. | T.L. Lowery - ID 187514
From 11/21/88 thru 12/23/88 | 214.50 |
| 9. | J.A. Teffteller - ID 187557
From 11/21/88 thru 12/23/88 | 214.50 |

10. G.A. Turner - ID 187558 From 11/21/88 thru 12/19/88	188.50 Meals 274.56 Mileage
11. J.H. Martin - ID 187553 From 11/21/88 thru 12/23/88	214.50 Meals
12. J.C. Stephens - ID 187560 From 11/21/88 thru 12/23/88	214.50 Meals
13. C.J. Smith - ID 187584 From 11/21/88 thru 12/23/88	214.50 Meals
14. C.C. Pierce - ID 187558 From 11/28/88 thru 12/5/88	52.00 Meals 95.04 Mileage
15. J.B. Ivey - ID 188011 From 11/21/88 thru 12/23/88	214.50 Meals
16. S.W. Lapole - ID 188012 From 11/28/88 thru 12/23/88	149.50 Meals 232.32 Mileage
17. G.E. Carter From 11/28/88 thru 12/23/88	214.50 Meals
18. B.W. Heatherly From 11/28/88 thru 12/23/88	214.50 Meals 598.40 Mileage
19. R.E. Armstrong - ID 188131 From 11/28/88 thru 12/23/88	214.50 Meals
20. J.D. Cate - ID 188155 From 11/28/88 thru 12/23/88	214.50 Meals
21. J.S. Brown - ID 187547 From 11/28/88 thru 12/23/88	214.50 Meals
22. W.H. Garner - ID 187539 From 11/28/88 thru 12/23/88	214.50 Meals
23. C.R. Blackwell - ID 187941 From 11/21/88 thru 12/23/88	214.50 Meals 228.80 Mileage
24. M.W. Bolton - ID 188092 From 11/21/88 thru 12/23/88	214.50 Meals
25. D.R. Shepherd - ID 187569 From 11/21/88 thru 12/2/88	78.00 Meals 198.00 Mileage
26. J.M. Lowery - ID 188023 From 11/21/88 thru 12/2/88	214.50 Meals

27.	J.E. Tillett - ID 188072 From 11/21/88 thru 12/23/88	214.50 Meals 268.84 Mileage
28.	M.L. Byrd - ID 188021 From 11/28/88 thru 12/21/88	156.00 Meals 169.40 Mileage
29.	M.A. Scates - ID 188069 From 11/28/88 thru 12/23/88	182.00 Meals 220.00 Mileage
30.	R.D. Hatfield - ID 187975 From 11/21/88 thru 12/23/88	214.50 Meals
31.	K.R. Paul - ID 188122 From 11/21/88 thru 12/23/88	214.50 Meals
32.	S.D. Johnson - ID 186301 From 11/21/88 thru 12/23/88	214.50 Meals
33.	J.E. Gaylor - ID 187945 From 11/28/88 thru 12/4/88	45.50 Meals 66.00 Mileage
34.	D.L. Hammac - ID 188099 From 11/28/88 thru 12/23/88	104.00 Meals 338.70 Mileage
35.	Reed Leach - ID 188121 From 11/28/88 thru 12/1/88	26.00 Meals 154.00 Mileage
36.	L. Nicely - ID 187543 From 11/21/88 thru 12/19/88	123.50 Meals 495.00 Mileage
37.	R.B. Sasko - ID 187555 * From 12/10/88 thru 12/23/88	84.50 Meals
38.	B.W. Bolton - ID 187567 * From 12/5/88 thru 12/23/88	123.50 Meals 330.00 Mileage
39.	R.L. Wilson - ID 187585 From 11/21/88 thru 12/23/88	169.00 Meals

"Be paid from November 21, 1988 through December 23, 1988. Be paid above expenses as shown. Be paid 6.50 each calendar day from November 21, 1988 through December 23, 1988. Also, be paid all mileage at .22 per mile each work day from November 21, 1988 through December 23, 1988."

OPINION OF THE BOARD

This case involves 39 employees who exercised seniority to new positions in a 40-man Timbering and Surfacing Gang headquartered at Jena, Tennessee.

Petitioner contends that since the employees for this Gang were recruited from all over the railroad, they should have been housed in camp cars and paid meal and mileage expenses.

Carrier contends that the Gang was advertised as a Fixed Location Gang. It was established at Jena, Tennessee, and remained there for about one month, until the work was completed. The employees involved reported on and off duty each day at Jena. They were not required by the nature of their work to live away from home. The fact that people who bid on this Gang did not live near Jena has no bearing on their status under the Agreement. Carrier designated Extra Gang 5676 as a 40-man Timbering and Surface Gang headquartered at Jena, Tennessee. People who worked in that Gang are not entitled to meal and housing allowances.

AWARD

The claim is denied.

R.E. Dennis

R.E. Dennis, Neutral Member

B.C. Sweatt

B.C. Sweatt, Carrier Member

N.J. Marquar

N.J. Marquar, Employee Member

3-26-90

Date of Adoption