

PUBLIC LAW BOARD NO. 5418

Case No. 41

Award No. 41

PARTIES

to
DISPUTE:

Brotherhood of Maintenance of Way Employees
- and -
Springfield Terminal Railway Company

STATEMENT OF CLAIM:

Claim for Wayne Chapin, for 7 hours at the Work Equipment Operators rate, account the Carrier assigned a junior machine Operator to work overtime on Saturday, November 13, 1999.

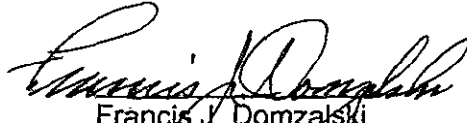
FINDINGS: The facts of this case shows that the Carrier had planned to work overtime with a contractor on the Connecticut River Main Line on November 13, 1999. The Carrier states that it was anticipated that the contractor's Track Excavator operator would not be available and/or would be late reporting to the job site. Therefore, in view of this factor, they assigned Mr. John Barlow to operate said equipment because he possessed the requisite license and experience.

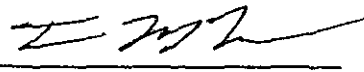
The Organization emphatically states that Mr. Barlow did not operate the Track Excavator as alleged by the Carrier, but rather, he showed up at the job site with a Bucket Loader and ran that piece of equipment all day. Therefore, they contend the claimant being the senior available equipment operator should have been assigned to said overtime work. To support their position, they direct the Boards attention to the statement given by the Foreman in charge at the work site, wherein he undisputedly stated that Mr. Barlow did not operate the Track Excavator at all on the date in question.


Based on the undisputed statement presented in the record, it is clear that the claimant should have been called to operate the equipment that the junior employee operated. Therefore, the claim is upheld.

AWARD: The claim is sustained.

AWD No. 41
PLB No, 5418 C-41/A-41
Page 2


Francis J. Domzalski
Neutral Member


T. W. McNulty
Carrier Member


B. A. Winter
Organization Member

Dated: 2-12-2001