

NATIONAL MEDIATION BOARD

PUBLIC LAW BOARD NO. 6302

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

and

UNION PACIFIC RAILROAD COMPANY

)
) Case No. 55
)
) Award No. 55
)

Martin H. Malin, Chairman & Neutral Member
D. D. Bartholomay, Employee Member
D. A. Ring, Carrier Member

Hearing Date: March 23, 2004

STATEMENT OF CLAIM:

1. The Agreement was violated when the Carrier used Crossing Gang 4755 to perform B&B carpenter's work of removing and installing planks and/or concrete crossings on July 7, 1996 and continuing from Mile Post 60 to Mile Post 152 on the Nebraska Division instead of assigning B&B Carpenters T. D. Kuenning, R. C. Gablenz, C. J. Dush and T. G. Bowley (System File N-317/1029197).
2. As a consequence of the violation referred to in Part (1) above, B&B Carpenters D T. D. Kuenning, R. C. Gablenz, C. J. Dush and T. G. Bowley shall each be allowed an equal proportionate share of the straight time and overtime hours worked by Crossing Gang 4755 on the claim dates.

FINDINGS:


Public Law Board No. 6302, upon the whole record and all the evidence, finds and holds that Employee and Carrier are employee and carrier within the meaning of the Railway Labor Act, as amended; and, that the Board has jurisdiction over the dispute herein; and, that the parties to the dispute were given due notice of the hearing thereon and did participate therein.

The instant claim raises the identical issue that we resolved in Carrier's favor in Case No. 52, Award No. 52. Based on the holding and reasoning of Award No. 52, the instant claim must be denied.

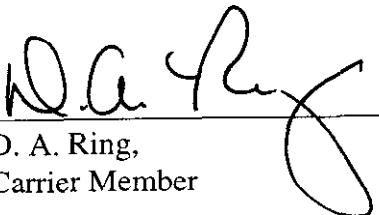
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AWARD

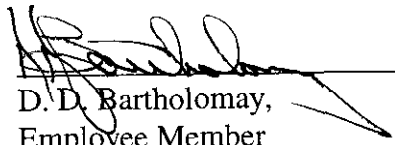
Claim denied.



Martin H. Malin, Chairman



D. A. Ring,
Carrier Member



D. D. Bartholomay,
Employee Member

Dated at Chicago, Illinois, July 23, 2004