

PUBLIC LAW BOARD NO. 5606

**PARTIES) BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
) DIVISION OF THE INT'L BROTHERHOOD OF TEAMSTERS
 TO)
DISPUTE) SPRINGFIELD TERMINAL RAILWAY COMPANY**

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood that:

- 1. The Agreement was violated when the Carrier failed and refused to pay per diem to Work Equipment Repairman D. A. Conner, beginning on August 2, 2010 and continuing through September 3, 2010, when he was working in conjunction with Production Tie Crew 2720 and Production Surfacing Crew 2722.**
- 2. As a consequence of the violation referred to in Part (1) above, Claimant Conner shall be allowed the per diem allowance of \$40.75 for each day assigned to work in conjunction with a production crew. This totals \$1,059.50. (Carrier File MW-11-01)**

FINDINGS:

The Board, after hearing upon the whole record and all the evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended; this Board has jurisdiction over the dispute involved herein; and, the parties were given due notice of hearing thereon.

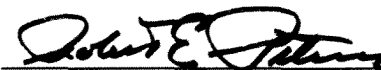
The dispute at issue involves argument much the same as that presented by the parties in Case No. 79 (Award No. 79) concerning the application of Article 27.7 of the rules Agreement involving a per diem allowance payment if work is performed in conjunction with a production crew.

As in Case No. 79, Claimant in the instant case was essentially assigned as a Work Equipment Repairman to perform the on site repair of tools, equipment and machinery being utilized by Production Tie Crew 2720 and Production Surfacing Crew 2722, albeit on different dates from those in Case No. 79. Here, beginning on August 2, 2010 and continuing through August 12, 2010, the Carrier assigned Claimant to work in conjunction with Production Tie Crew 2720. Beginning on August 13, 2010 and continuing through September 3, 2010, the Carrier assigned Claimant to work in conjunction with Production Surfacing Crew 2722.

In overall study of the record, and for the same reasons as set forth by the Board in its Findings in resolution of Case No. 79, we find and will so direct that the claim be sustained.

AWARD:

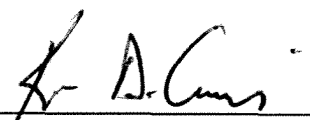
Claim sustained.



Robert E. Peterson
Chair & Neutral Member



Anthony F. Lomanto
Carrier Member



Kevin D. Evanski
Organization Member

North Billerica, MA

Dated 7/27/12