

AWARD NO. 11
Case No. 11

PUBLIC LAW BOARD NO. 164

Parties) United Transportation Union (T)
to)
Dispute) Union Pacific Railroad Company-Eastern District

Statement of Claim: Claims of various brakemen at Ogden on various dates in July, August, September and October 1965, for 150 miles each account not called for flagging service.

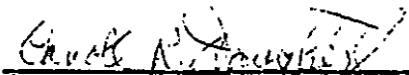
Findings: The Parties are agreed that, among the claimants and claim dates originally presented for this case, only the following are valid: July 13, Littell and Peters; July 19, Littell and Russell; July 26, Littell and Kartchner; August 2, Travis; August 9, Barney and Peters; August 16, Egbert and Brophy; August 23, Thomas and O'Keefe; August 30, Woodbury; September 13, Close and Ensign; September 20, Barnes and Thompson; and September 27, Russell and Thompson -- all in 1965.

From the weight of the evidence presented at the hearing the Board is persuaded, on balance, that the flagging work performed by section hands on the above claim dates was not mainly incidental to their maintenance of way service, but constituted the core of their duties. Then, under the principle set forth in Award No. 1 of this Board, an affirmative award is here required.

As to remedy, the Board follows the finding in the third paragraph of its Award No. 4: 100 miles for each of the above agreed-on claim dates and claimants is proper, and Carrier is directed to pay same within 45 days.

AWARD: Claim sustained per Findings.

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Carroll R. Daugherty
Chairman and Neutral Member


J. H. Kenny, Carrier Member


C. F. Christiansen, Employee Member

Omaha, Nebraska
March 3, 1969

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