

PUBLIC LAW BOARD NO. 164

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

Statement of Claim: Claims of various Ogden brakemen on various dates in October and November 1965 for 150 miles each on dates specified account not called to perform flagging service.

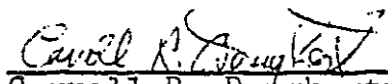
Findings: Carrier and Organization are agreed on the correct claimants and claim dates for this case.

The decision here, it is agreed, turns on whether the weight of the evidence of record establishes on balance that at the construction site here involved Carrier constructed a plank roadway across its tracks. If the evidence so shows, then factually this case joins the company of Cases Nos. 1, 6, 7, 13 and 38; and the award here must be the same as in those cases, namely denial.

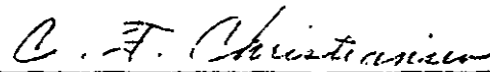
The Board is of the opinion that the facts here are sufficiently analogous to the facts in said cases to warrant such an award. The contractor here does appear to have constructed such a temporary crossing, this time from second-hand planking.

AWARD: Claim denied.

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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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