

PUBLIC LAW BOARD NO. 164

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

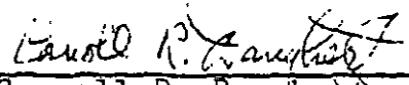
Statement of Claim: Claims of Brakemen L. Russell and N. M. Scoffield, October 6 through 10, 1965 and Brakemen R. J. Murray and R. B. Thompson, October 11 through 16, 1965, for 150 miles each on dates indicated, account not called to perform flagging service.


Findings: The correct claim dates and claimants in this case are October 6 for Russell and Scoffield and October 11 for Murray and Thompson.

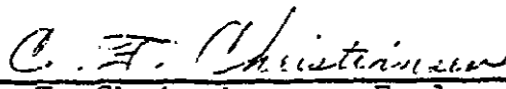
As with all the cases Nos. 2 through 40, the issue here is purely one of fact and fact interpretation, given the governing legal principle of decision set forth in this Board's Award No. 1. From the evidence of record the Board is of the opinion that the flagging done at the work site by the section hands on claim dates was chiefly incidental to their maintenance of way work for Carrier and did not constitute the core of their service. Accordingly, an affirmative award is not warranted here.

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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