

PUBLIC LAW BOARD NO. 1838

Award No. 45

Carrier File MW-ROR-78-6

Parties Brotherhood of Maintenance of Way Employees
to and

Dispute: Norfolk and Western Railway Company

Statement of Claim: The Carrier violated effective working agreement when it allowed two bulldozer operators to perform section men's work on Pulaski Section at a time when Claimant Wayne M. Catron, Jr., a Section Laborer, was furloughed from his assigned section in violation of Rules 5 and 15.

2. Claimant Catron be paid for time at his applicable section laborer's rate of pay for each day these bulldozer operators were allowed to perform section work on Pulaski section while Claimant was furloughed, starting January 9, 1978, and at least through February 12, 1978.

Findings: The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated March 1, 1976, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

The parties, having previously settled this matter, requested it withdrawal from before the Board.

Request granted.

Award: Claim dismissed.

A. D. Arnett
A. D. Arnett, Employee Member

G. C. Edwards
G. C. Edwards, Carrier Member

Arthur T. Van Wart
Arthur T. Van Wart, Chairman
and Neutral Member