

PUBLIC LAW BOARD NO. 1850

Award No. 13

Docket No. 20

BMWE File OH-1105

Carrier File 2-MG-1494

Parties Brotherhood of Maintenance of Way Employees

to and

Dispute Baltimore & Ohio Railroad Company

Statement of Claim Claim filed on behalf of B&B Foreman James D. Jewell and Carpenters E. C. Smith, Terry Jones, T. F. Carroll, R. A. Clary and D. F. Henry, Ohio - Newark Division, for time worked by Tunnel Force 1549 on Bridge 128-51 from September 29, 1975 until such time as Tunnel Force 1549 ceases doing bridge work.

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 October 27, 1976, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

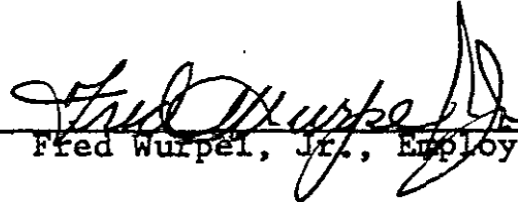
The members of B&B Force 1393-1402, on November 21, 1975, filed claim for compensation commencing September 29, 1975, alleging that Carrier's Tunnel Forces No. 1549 performed "bridge work on Bridge 128-51" in violation of Rule 1 (c) of the current Agreement. Said Section 1 (c) reads:

Here, the Brotherhood failed to carry its burden of proof. It was not denied that the only work performed by Tunnel Force 1549 on Bridge 128-51 was chipping concrete and making repairs by the gunite method. Such work accrues to the Tunnel Forces by virtue of Rule 1 (c) "Collective Bargaining Agreement".

Hence, the Board finds that this claim is without merit. In the circumstances it will be denied.

Award

Claim denied.



Fred Wurpel, Jr., Employee Member



W. C. Comiskey, Carrier Member

Arthur T. Van Wart, Chairman
and Neutral Member