

Award No. 30
Case No. 30

Public Law Board 2203

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
and
Consolidated Rail Corporation

STATEMENT
OF
CLAIM:

(a) The Carrier violated the Rules Agreement effective April 15, 1944, as modified September 1, 1949, January 22, 1974 and March 4, 1976, particularly Rules 1-Scope, 2-Seniority, 2-d-3-Seniority Districts, 2-e-1 and others, when six (6) former CRR of NJ unprotected Trackmen were used on the former Lehigh Valley Railroad in the South Plainfield Gang area, blacktopping crossings, between 7:00 a.m. and 3:30 p.m. each day, April 6 and 7, 1977.

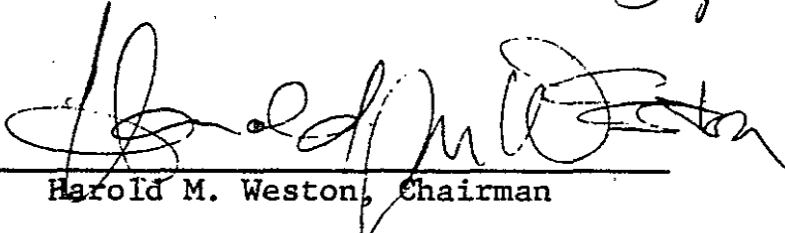
(b) As the result of such violation, Trackmen: F. Swarrow, J. Loughlin, J. Crane, E. McDonald, A. Melone, and Trackman-driver F. Santos, be compensated at the applicable rate, for each day the violation occurred.

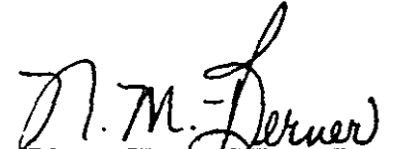
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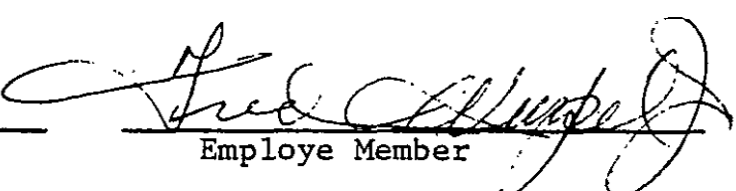
FINDINGS: Petitioner has not established that ineligible employees actually performed the work in dispute, an essential element of its claim. The claim will accordingly be denied. See Award No. 29.

AWARD: Claim denied.

Adopted at Philadelphia, Pa., Sept. 17, 1979.


Harold M. Weston, Chairman


N. M. Derner
Carrier Member


Fred Allender
Employee Member