

PUBLIC LAW BOARD NO. 2206

AWARD NO. 27

CASE NO. 33

PARTIES TO THE DISPUTE:

Brotherhood of Maintenance of Way Employees

and

Burlington Northern, Inc.

STATEMENT OF CLAIM:

"Claim of the System Committee of the Brotherhood that:

- (1) The Carrier violated the Agreement when removing work customarily, traditionally and by practice performed by Track Sub-department employees at Willmar, Minnesota, commencing March 10, 1978, and continuously thereafter by permitting contract forces to take over and perform the work of cleaning cars without notification to General Chairman Funk. (System File T-M-214C).
- (2) That Claimants Ken Boehnke, David Myhre, Ed King, L. Zeuse and John Evenson be allowed eight (8) hours per day each at their respective straight time rate of pay until violation referred to in part one (1) of claim is discontinued."

OPINION OF THE BOARD:

The facts, parties, Agreement language, and theories of the parties in this case are not distinguishable in any material aspect from those already decided by us in Awards 8 and 20 of this Board. See also Award 3-22465. For reasons developed fully in the referenced Awards, this claim likewise must be denied.

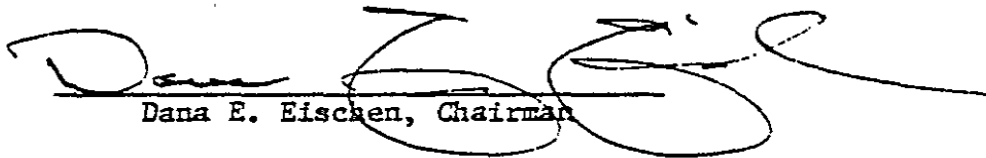
FINDINGS:

Public Law Board No. 2206, upon the whole record and all of the evidence, finds and holds as follows:

1. that the Carrier and Employee involved in this dispute are, respectively, Carrier and Employee within the meaning of the Railway Labor Act;
2. that the Board has jurisdiction over the dispute involved herein;
- and
3. that the Agreement was not violated.

AWARD

Claim denied.


Dana E. Eischen, Chairman


L. K. Hall, Carrier Member


F. H. Funk, Employee Member

Date: July 15, 1980