

Public Law Board No. 2630

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employes
and
Baltimore and Ohio Railroad Company

STATEMENT
OF
CLAIM:

1. The Carrier has violated the current Maintenance of Way Agreement dated October 1, 1968, subsequent agreements, and memorandums when failing to allow the listed Claimants to complete the day's work on October 27, 1977. The Claimants are listed as follows: Earl J. Faircloth, David Alley, Donald McCartin, Luther M. Shambaugh, Douglas R. Ravenscroft, Robert L. Munday, W. C. Keating, M. D. Carr, Charles E. Waybright, James L. Trout, Thomas N. Harden, David Ashenfelter, George W. Carrico, Kirk Light, C. Houck, J. L. Gay, J. R. Rhinehart, P. C. Fowler, J. N. DuVall, Jr., R. Stevens, W. B. Duckworth, J. W. W. Cox, R. Martin, G. S. Ratke, C. L. Gaynor, Jr., D. A. Detrick, N. Davis.
2. The Claimants now be paid five (5) hours each at their respective rate of pay for time lost because they were not allowed to continue work after the rain had ceased on that day.

FINDINGS:

Along with two foremen as well as Supervisors Withers and Wilson, the 23 claimants and four other trackmen arrived at the work site on the morning of October 27, 1977 after first reporting to their headquarters.

The record indicates that claimants refused to attend to their duties at the site, although requested to do so several times during the next few hours. They were allowed three hours for the day and now seek an additional five hours pay. The two foremen and four trackmen who performed their assigned work were compensated for the entire day.


The evidence does not establish in sufficient detail that claimants were compelled to remain at the work site or that the weather conditions were so bad that they could not begin work. It is of interest that the two foremen and four trackmen were able to work at the site. Supervisors Withers and Wilson returned to the headquarters when claimants refused to work.

The claim is not supported by competent proof.

AWARD:

Claim denied.

Adopted at Baltimore, Maryland, *February, 2* 1983.


Harold M. Weston, Chairman


Carrier Member


Employee Member