

PUBLIC LAW BOARD NO. 2960

AWARD NO. 176
CASE NO. 409

PARTIES TO DISPUTE:

Brotherhood of Maintenance of Way Employees

and

Chicago and North Western Transportation Company

STATEMENT OF CLAIM:

"Claim of the System Committee of the Brotherhood that:

- (1) The Carrier violated the Agreement when it improperly withheld Trackman M. L. Collins from service from April 1 through April 5, 1991 (Organization File 4LF-2417T; Carrier File 81-91-89).
- (2) Claimant M. L. Collins shall now be allowed forth (40) hours of pay at the straight time rate and one-half (½) hour at the overtime rate of pay at the trackman's rate of pay."

OPINION OF THE BOARD:

This case arises out of the same recall of employees as did the claims in Dockets 436 and 424. Given the date the assignment was made, the Claimant should have been approved to work no later than April 4 (Thursday). He returned on April 8 (Monday) and therefore lost one day's pay on April 5. The claim is sustained to this extent and the Carrier is directed to pay the Claimant one day's pay at the applicable rate.

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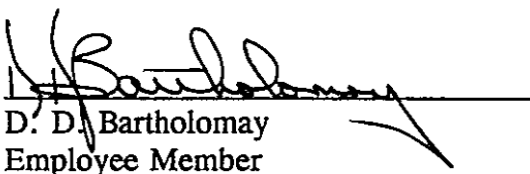
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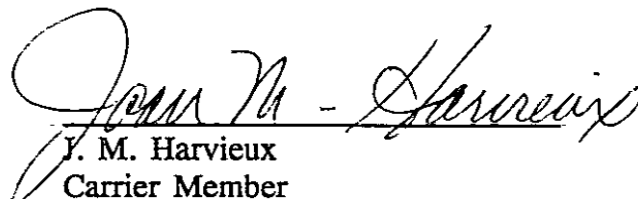
The claim is sustained to the extent indicated above.



Gil Vernon, Chairman



D. D. Bartholomay
Employee Member



J. M. Harvieux
Carrier Member

Dated: 11/9/93