

PUBLIC LAW BOARD NO. 3530

Award No. 6  
Case No. 6

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

and

NORFOLK AND WESTERN RAILWAY COMPANY

STATEMENT OF CLAIM:

S.L. Murphy, Box 757, Clarksville, VA 23927, was denied payment for amounts requested on camp car meal allowance forms for various dates in March and April, 1982.

FINDINGS:

Claimant was assigned to occupancy of Camp Car 527255 on October 25, 1979. Claimant was dissatisfied with the condition of the car and refused to occupy it. Unable to persuade Claimant to occupy the camp car, Carrier authorized Claimant to use motels instead. Claimant submitted meal allowance forms for employees assigned to camp cars, for several dates in March and April, 1982.

Carrier refused to pay the amounts requested on the meal allowance forms, and on April 23, 1982, the Organization filed a claim requesting that Claimant be paid the amounts listed. The claim was denied at all levels of appeal on the property, and the Organization then submitted the matter to this Public Law Board for resolution.

The issue to be decided in this dispute is whether Carrier violated the Agreement by refusing to pay Claimant camp car meal allowances, and if so, what should the remedy be.

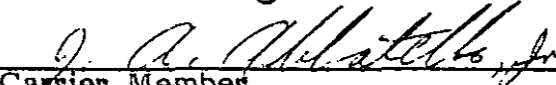
Rule 48 states that Carrier shall provide meal allowances for employees whose work "regularly requires them throughout their work week to live away from home in camp cars, camps, or highway trailers." While the Organization argues that Claimant was "assigned" to Camp Car 527255 during the months of March and April, 1982, the fact remains that there is no evidence Claimant ever lived in or occupied a camp car during that period. Since Rule 48 only requires Carrier to provide meal allowances to those employees who live in camp cars, it cannot be held that Carrier violated this portion of the Agreement.

It is the decision of this Board that because Claimant did not live in a camp car, he is not entitled to camp car meal allowances pursuant to Rule 48 of the Agreement. Accordingly, the claim must be denied.

AWARD:

Claim denied.

  
\_\_\_\_\_  
Neutral Member

  
\_\_\_\_\_  
Carrier Member

  
\_\_\_\_\_  
Organization Member

Date: 4/27/84