

PUBLIC LAW BOARD NO. 357

PARTIES) THE TEXAS & PACIFIC RAILWAY CO. (MIDLAND VALLEY SUBDIVISION)
TO)
DISPUTE) UNITED TRANSPORTATION UNION (T)

STATEMENT OF CLAIM: Claim for various employees for one additional minimum day account Cole Construction Company employees performed work on line of railroad with Engine 1012.

- No. 1 Conductor R. W. Parks, Brakemen T. T. Prater and A. Hotarie, November 16, 17, 19, 21, 23, 24, 26; December 3, 5, 7, 8, 10, 12, 17, 19, 21, 22, 1968. Time slip UTU 1.
- No. 2 Conductor P. D. Jones, Brakemen C. E. Clark and L. S. Bengé, November 18, 20, 22, 25, 27 and 29, 1968. Time slip UTU 2.
- No. 3 Conductor R. W. Parks, Brakemen L. R. Reynolds and A. Hotarie, November 28, 30 and 31, 1968. Time slip UTU 3.
- No. 4 Conductor S. E. Blair, Brakemen C. E. Clark and L. S. Bengé, December 2, 4 and 6, 1968. Time slip UTU 4.
- No. 5 Conductor S. E. Blair, Brakemen L. S. Bengé and L. Smith, December 9 and 11, 1968. Time Slip UTU 5.
- No. 6. Conductor S. E. Blair, Brakemen L. S. Bengé and R. P. McDonald, December 13, 1968. Time slip UTU 6.
- No. 7 Conductor R. W. Parks, Brakemen T. T. Prater and L. Smith, December 14 and 15, 1968. Time slip UTU 7.
- No. 8 Conductor S. E. Blair, Brakemen C. E. Clark and L. R. Reynolds, December 16, 1968. Time slip UTU 8.
- No. 9 Conductor S. E. Blair, Brakemen C. E. Clark and L. Smith, December 18 and 20, 1968. Time slip UTU 9.

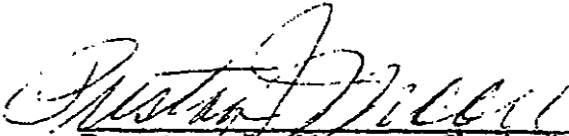
FINDINGS: This Public Law Board No. 357 finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

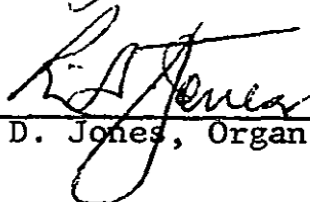
In this dispute the Carrier made an application to the ICC to abandon trackage from Pawhuska to Silverdale. This application was granted and cross ties were placed across the main line at both Pawhuska and Silverdale. The Carrier sold the abandoned rail in place to the Cole Construction Co. A Missouri Pacific engine was leased to the Cole Construction Company for use in salvaging the tracks. None of the Cole Construction Company employees nor any of its equipment was used on Midland Valley trackage in connection with picking up the rails. The Organization filed this claim claiming that the salvage operation was a violation of Article 62 of the BRT Agreement.

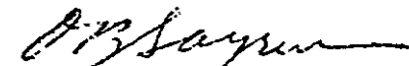
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In a similar dispute First Division Award No. 1240, without a referee, held that there was no violation of the Agreement. This holding is supported by Awards No. 10759 and 20098. We find there is no violation of the Agreement.

AWARD: Claim denied.


Preston J. Moore, Chairman


R. D. Jones, Organization Member


O. B. Sayers, Carrier Member