

PUBLIC LAW BOARD NO. 3765

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* Consolidated Rail System Federation
* Brotherhood of Maintenance of Way
Parties to the Dispute * Employees
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* vs.
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* Grand Trunk Western Railroad Company
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Case No. 32

STATEMENT OF CLAIM

That Claimants R.D. Randall, B & B Foreman, and R.E. Crandall Carpenter be paid eight hours each for September 22 and 23, 1987 Account Carrier Contract out driveway repaving at MoTerm Ferndale, Michigan.

OPINION OF THE BOARD

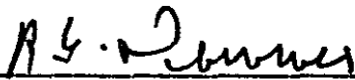
Carrier contracted for the paving of a ramp at MoTerm in Ferndale, Michigan. Carrier contended that the equipment needed to perform the work was not available and its B & B employees did not have the expertise to operate the equipment if they did have it. Carrier also argued that it has always contracted out such paving jobs. It presented numerous Contracts to support its position on this point. It finally argued that even if the contracting was

inappropriate, no wages are due Claimants, since they were fully employed, under pay, on the claim dates.

Petitioner, in this instance, has not supported its claim that an Agreement violation took place. Paving has been contracted out in the past and Claimants were under full pay on the claim days. The Board can find no basis on which to grant this claim.

AWARD

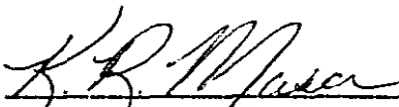
The claim is denied.



R.E. Dennis, Neutral Member



Jo A. DeRoche, Carrier Member



K.R. Mason, Employee Member

February 20, 1991