

PUBLIC LAW BOARD 5564

In the Matter of Arbitration between:

**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES
DIVISION – IBT RAIL CONFERENCE**

and

**NORTHEAST ILLINOIS REGIONAL COMMUTER RAILROAD
CORPORATION**

Case No. 66

Award No. 66

THE ORGANIZATION'S STATEMENT OF THE CLAIM

This Decision resolves the Organization's claim as follows:

1. The Carrier violated the Agreement when it assigned members of a Blue Island Gang 2 to perform overtime service on the Rock Island District on April 9, 23 and 30, 2016 instead of Ms. L. Powell who was assigned to the LaSalle Street Gang headquartered on the Rock Island District (System File C 16 04 09/8-21-691 NRC).
2. As a consequence of the violation referred to in Part 1 above, Claimant L. Powell shall be compensated for thirty-eight (38) hours at her respective overtime rate of pay.

STATEMENT OF THE CASE

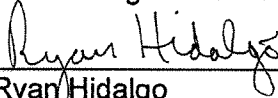
Based on the record developed by the Organization and the Carrier, this Public Law Board (Board) finds the Parties herein to be a Carrier and Employees within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction over the Parties and the dispute.

The Board's review of the on property record established that the overtime service by members of the Blue Island District Gang on April 9, 23 and 30, 2016 was performed between Milepost (MP) 12 and 34. Further, the record established that the LaSalle Street Gang headquartered on the Rock Island District, to which Claimant is assigned, is assigned to work from LaSalle Street to MP 0.4. For this reason, BMW did not meet its burden of proof. The claim is denied.

AWARD

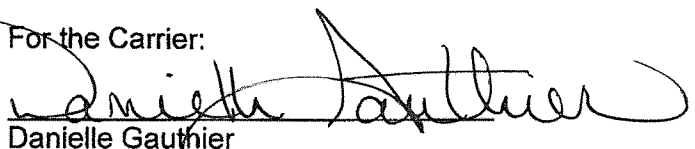
Claim denied.

For the Organization:



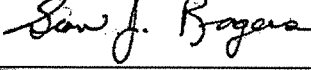
Ryan Hidalgo
Public Law Board Advocate
BMW-IBT

For the Carrier:



Danielle Gauthier
Director - Labor Relations
Metra

Neutral Member:



Sean J. Rogers, Esq.
Sean J. Rogers & Associates, LLC
Leonardtown, Maryland
October 31, 2019