

PUBLIC LAW BOARD NO. 6301

AWARD NO. 38
CASE NO. 38

PARTIES TO
THE DISPUTE:

Brotherhood of Maintenance of Way Employees
and
Kansas City Southern Railway Company

ARBITRATOR: Gerald E. Wallin

DECISION: Claim sustained in accordance with the Findings.

STATEMENT OF CLAIM:

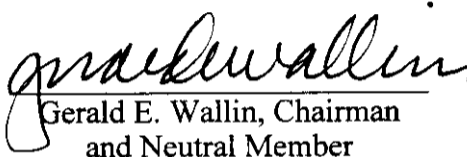
The Carrier violated the current Work Agreement including, but not limited to paragraphs (a) and (d) of the Scope Rule, and the letter of agreement dated February 25, 1988, when it allowed outside contract forces to perform Maintenance of Way work on January 22, 2001, in Sturgis, MS. For the remedy, Claimant M. D. Loague shall be allowed a corresponding number of hours worked by the contractor at his respective straight time and overtime rates per day.

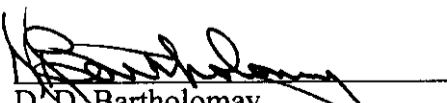
FINDINGS OF THE BOARD:

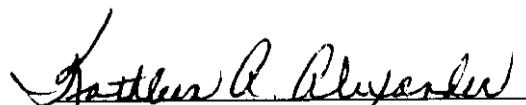
The Board, upon the whole record and on the evidence, finds that the parties herein are Carrier and Employees within the meaning of the Railway Labor Act, as amended; that this Board is duly constituted by agreement of the parties; that the Board has jurisdiction over the dispute, and that the parties were given due notice of the hearing.

The basic facts are not in dispute. They constitute a fact pattern that is not significantly different from those present in Award No. 23 of this Board. Under the circumstances, on a non-precedential, non-referable basis, Claimant shall be allowed eight (8) hours of pay at his straight time rate in effect on the Claim dates.

AWARD: The Claim is sustained in accordance with the Findings.


Gerald E. Wallin, Chairman
and Neutral Member


D. D. Bartholomay,
Organization Member


K.A. Alexander,
Carrier Member

DATE: 7-8-03