

**PUBLIC LAW BOARD NO. 7599**

**AWARD NO. 123  
CASE NO. 123**

**PARTIES TO  
THE DISPUTE:** Brotherhood of Maintenance of Way Employees Division  
IBT Rail Conference

**vs.**

**Grand Trunk Western Railroad Company**

**ARBITRATOR:** Gerald E. Wallin

**DECISION:** Claim sustain in accordance with the Findings

**STATEMENT OF CLAIM:** "Claim of the System Committee of the Brotherhood that:

1. The Carrier violated the Agreement when it failed to offer and assign Mr. E. Horde to perform overtime work of inspection/repair of the #2 Switch South End of South Yard in vicinity of Mile Post 3.1 and North End Yard Lead Switch in vicinity of Mile Post 4 on the Rouge Yard work territory on December 8, 2020 and instead assigned junior Flat Rock machine operator Z. Gillsdorff thereto (System File D-21GTW11-1/GTW-BMWED-2021-00007 GTW).
2. The claim, as appealed under letter dated May 27, 2021, shall be allowed as presented because the Carrier defaulted on the claim when it failed to hold a timely appeal meeting as required by Rule 24(b).
3. As a consequence of the violations referred to in Parts 1 and/or 2 above, Claimant E. Horde shall now be compensated for three and one-half (3.5) hours at the Claimant's applicable overtime rate of pay for work performed by Z. Gillsdorff on December 8, 2020."


**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.


Our review of the record does not establish that the Carrier complied with Rule 24(b) it was required to do following the Organization's appeal dated May 27, 2021. Accordingly, the Organization and claimant are entitled to a sustaining Award on a non-precedent setting basis.

AWARD:

The Claim is sustained in accordance with the Findings

  
Gerald E. Wallin, Chairman  
and Neutral Member

  
John Schlismann,  
Organization Member

  
Patrick Crain,  
Carrier Member

Date: 20 Mar 2023