

NATIONAL MEDIATION BOARD

PUBLIC LAW BOARD NO. 6302

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

and

UNION PACIFIC RAILROAD COMPANY

)

) Case No. 56

)

) Award No. 56

)

Martin H. Malin, Chairman & Neutral Member

D. D. Bartholomay, Employee Member

D. A. Ring, Carrier Member

Hearing Date: March 23, 2004

STATEMENT OF CLAIM:

1. The Agreement was violated when the Carrier assigned and used Track Subdepartment employees to perform B&B carpenter work of removing and a thirty-two foot (32') solid plank crossing and installing a concrete crossing at Mile Post 222.22 on the Nampa Subdivision instead of assigning B&B Subdepartment Carpenters R. L. Lewis, R. E. Baker and furloughed Carpenters R. R. Olsen, J. Yokoyama and R. P. Cardona (System File N-580/1109063).
2. As a consequence of the violation referred to in Part (1) above, Carpenters R. L. Lewis, R. E. Baker, R. R. Olsen, J. Yokoyama and R. R. Cardona shall each be allowed eight (8) hours' pay at the carpenter's straight time rate.

FINDINGS:

Public Law Board No. 6302, upon the whole record and all the evidence, finds and holds that Employee and Carrier are employee and carrier within the meaning of the Railway Labor Act, as amended; and, that the Board has jurisdiction over the dispute herein; and, that the parties to the dispute were given due notice of the hearing thereon and did participate therein.

The instant claim raises the identical issue that we resolved in Carrier's favor in Case No. 52, Award No. 52. Based on the holding and reasoning of Award No. 52, the instant claim must be denied.

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AWARD

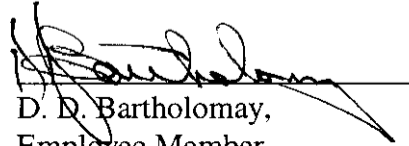
Claim denied.



Martin H. Malin, Chairman



D. A. Ring,
Carrier Member



D. D. Bartholomay,
Employee Member

Dated at Chicago, Illinois, July 23, 2004