

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 262

Case No. 262

Parties Brotherhood of Maintenance of Way Employees
to and
Dispute Union Pacific Railroad Company
(Former Missouri Pacific Railroad Company)

Statement

of Claim: (1) Carrier violated the Agreement when on January 28, 29, 30, 31 and February 21, 22, 25, 26, 27, 28, 1985, the Section Gangs were laying rail in the Little Rock Terminal using system Rail Gang 6801 equipment. Mr. A. C. Gilreath is the assigned operator on the SS-29 on the System Rail Gang 6801. During these operations the SS-29 was operated by Mike Thollen.

(2) Time is being claimed by and in behalf of Mr. Gilreath for eight hours each day listed above totaling 80 hours at the time and one-half (overtime) rate which he would be entitled to if he had been contacted to perform the work of laying rail on dates listed above.

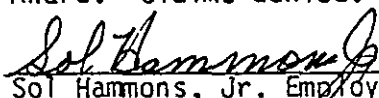
Findings: This Board has jurisdiction by reason of the Parties Agreement of January 5, 1959.

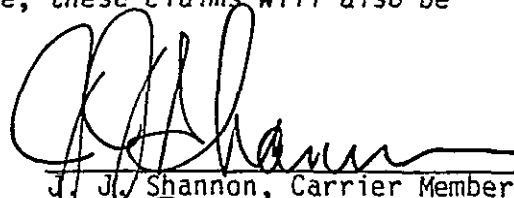
This is the second of the two cases arising from the set of facts that were referred to in our Award No. 259 the findings of which by reference is incorporated herein.


The Claimant is a System Rail Gang Machine Operator. The Employees assert that he should have been used on his accrued rest days to operate Speed Swing SS-29, assigned to the System Rail Gang but which was used by the division forces because theirs was out of service.

The only difference between this case and that in our Award 259 is the fact that this Claimant's name did not appear among the Claimant filed for therein. However, the contention against use of Division forces using the SS-29 machine did. Here, as there, these claims will also be denied.

Award: Claims denied.


Sol Hammons, Jr. Employee Member


J. J. Shannon, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued February 6, 1989.