

SPECIAL BOARD OF ADJUSTMENT NO. 280

Award No. 126  
Case No. 206

PARTIES TO DISPUTE:

St. Louis - Southwestern Railway

and

Brotherhood of Maintenance of Way Employees

STATEMENT OF CLAIM:

- "I. Carrier violated the Maintenance of Way Agreement, especially but not limited to Rule 2-2, Seniority, and Rule 7-8 Work on Unassigned Days, when Track Foreman used cutting torch and did not call welder to perform welder duties on regular holiday, Feb. 17, 1975, at Ft. Worth, Texas.
- "II. Welder T. D. Westberry be allowed 6 hours at his respective overtime rate of pay."

FINDINGS:


On the claim date, a Track Foreman used a cutting torch at a derailment in the Fort Worth Yard. Claimant, a welder, contends that he should have been called to perform the work.


The issue in this dispute is identical to that in our denial Award No. 120, where we said:


"It is clear from the facts and circumstances of this dispute that the claim cannot be sustained. Rule 7-21 provides that employees in several sub-departments may perform incidental welding in connection with their regular duties. Rule 7-21 is clear indication that welders on this property do not have the sole and exclusive right to use cutting torches."

AWARD

Claim denied.

  
Neutral Member

  
Carrier Member

  
Organization Member

Sept 5, 1979