

(C O P Y)

PROCEEDINGS BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 280

PARTIES TO DISPUTE:

Brotherhood of Maintenance of Way Employees)	
and)	Case No. 35
St. Louis Southwestern Railway Company)	Award No. 35

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood that:

1. The Carrier violated the effective Agreement by failing to assign and compensate E. W. Thomas, Roadway Machine Mechanic, as a Roadway Mechanic Foreman in the absence of the regular Foreman during the period December 11 through December 31, 1959, at the Pine Bluff Roadway Machine Shop.
2. That the Carrier now reimburse E. W. Thomas, Roadway Machine Mechanic, for the difference in what he was paid as Mechanic and what he should have been paid as Mechanic Foreman during this referred to period.

FINDINGS:

Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and that this Board is duly constituted by agreement and has jurisdiction of the parties and of the subject matter.

The evidence in this case indicated that the position classified as Shop Foreman was not filled during the absence of the regularly assigned incumbent; therefore, this claim will be denied.

AWARD:

Claim denied.

(s) Thomas C. Begley
Thomas C. Begley, Chairman

(s) A. J. Cunningham
A. J. Cunningham, Employee Member

(s) M. L. Erwin
M. L. Erwin, Carrier Member

Dated at Tyler, Texas
November 19, 1962.