

(C O P Y)

PROCEEDINGS BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 280

PARTIES TO DISPUTE:

Brotherhood of Maintenance of Way Employees)	
and)	Case No. 37
St. Louis Southwestern Railway Company)	Award No. 37

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood that:

1. The Carrier violated the effective Agreement by assigning employees of the SI&MB Company to assist in clearing up a wreck and the repairing of tracks account of derailment on the Ancel Lead of the Cotton Belt Main Line in the Illmo Yard beginning August 8, 1959.
2. That the Carrier now compensate W. E. O'Mara, Foreman of Section 2 and Laborers J. F. Syers, J. M. Markland, J. R. Mills, Luther Carter, Ivory Warren and Louis Carroll, for equal proportionate share at their respective rates of pay of the total number of man hours worked by the SI&MB employess in violation of the Agreement claimed in part 1 of this claim.

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.

Under the circumstances produced in this record in this case, the claimant, Louis Carroll, an available furloughed laborer, should have been used Monday through Friday.

AWARD:

Claim sustained in accordance with the Opinion.

(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.