

PROCEEDINGS BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 280

PARTIES TO DISPUTE:

Brotherhood of Maintenance of Way Employees)

and)

St. Louis Southwestern Railway Company)

Case No. 65
Award No. 65

STATEMENT OF CLAIM:

1. The Carrier violated the effective Agreement when it failed and refused to pay C. H. Hercher at Foreman's rate of pay while he relieved Foreman Piper, who was out on the line, performing services on January 31, February 7, 8, 9, and 10, 1961.
2. Roadway Machine Mechanic Hercher be paid the difference in the rate of pay of Roadway Machine Mechanics and that of Foreman for a total of 34 hours.

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 Board finds that under the Findings in Case No. 35 resulting in Award No. 35, that these claims should 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
April 25, 1966