

C O P Y

PROCEEDINGS BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 366

PARTIES TO DISPUTE:

Brotherhood of Maintenance of Way Employes	}	Case No. 17
and		Award No. 17
Southern Pacific Lines in Texas and Louisiana		
(Texas and New Orleans Railroad Company)		

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood that:

(1) That the Carrier violated the effective Agreement by failing to call Maintenance of Way Welder E. J. Champaigne, Acetylene Welder, on the New Orleans Terminal District of the Lafayette Division for the performance of work account of a derailment in Avondale Yard on October 3, 1959.

(2) That Claimant E. J. Champaigne be now compensated for 2 hours and 40 minutes at his time and one-half rate as a Welder account of this violation of the Agreement referred to in part 1.

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.

From the record, the Board finds that a Carman cut some rails with a cutting torch at a derailment. This work was performed due to an emergency. It was not such work that belonged to the Claimant Welder due to the emergency.

AWARD: Claim denied.

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

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

(s) L. C. Albert
L. C. Albert, Carrier Member

Dated at Houston, Texas
December 17, 1962