

C O P Y

PROCEEDINGS BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 366

PARTIES TO DISPUTE

Brotherhood of Maintenance of Way Employees	}	Case No. 20
and		Award No. 20
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) The Carrier violated the effective Agreement by assigning Apprentice Foreman M. L. Bosart and Tractor Mower Operator J. W. Gibbs to the work of patrolling and repairing track at grade crossings between Cuero and Yoakum on November 2, 1960.

(2) Track Foreman Ed Silva be now reimbursed for the difference between the rate of pay he received as Extra Gang Laborer and what he should have received as Foreman.

(3) Track Laborers P. M. Galvan and Martin Rubio, Houston Division, be now compensated 8 hours pay each at their respective Laborers' rate of pay account of this violation of the Agreement referred to 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.

From the record, the Board finds that the Organization has failed in its proof to show that on November 2, 1960, that Apprentice Foreman Bosart and Tractor Mower Operator J. W. Gibbs had performed the work of patrolling and repairing the track.

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.