

SPECIAL BOARD OF ADJUSTMENT NO. 488

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

and

THE BALTIMORE AND OHIO RAILROAD COMPANY

AWARD IN DOCKET NO. 61

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

(1) The Carrier violated the effective Agreement on August 29, 30, and 31, 1962, by assigning Welder J. P. Robinson, Welder Helper J. Seymour and Machine Operator W. Wright to perform Trackman's work on Division #2, of the Ohio-Newark Division, while a furloughed Trackman was available for recall to service.

(2) The Carrier should now compensate Claimant Trackman C. E. Shuff in the amount of eight hours at his trackman's pro rata rate of pay, for each of the three days, referred to because of this violation of the Agreement."

FINDINGS: The issue here involved is identical with that covered by our Awards in Dockets Nos. 53 and 55, and for the reasons there cited we will issue a sustaining Award here. The Carrier cannot ignore the seniority requirements of the agreement.

AWARD: Claim sustained.

/s/ Edward A. Lynch
Edward a. Lynch, Chairman

/s/ A. J. Cunningham
A. J. Cunningham, Employee Member

/s/ W. B. Kohler - Dissent
W. B. Kohler, Carrier Member

Dated at Baltimore, Maryland,
this 29th day of June, 1965.