

AWARD NO. 11  
ITEM: 109

SPECIAL BOARD OF ADJUSTMENT NO. 541  
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES  
AND  
ERIE-LACKAWANNA RAILROAD COMPANY

STATEMENT OF CLAIM:

"1. The Carrier violated the effective Agreement by failing to re-call to service, during the period June 18 to June 29, 1962, furloughed qualified Truck Driver, Sebastian C. Marino to fill a temporary vacancy in that class.

"2. The Carrier shall now reimburse Claimant Marino for a day's pay at the Truck Driver's rate for each work day during the period referred to, on account of this violation of the Agreement."

FINDINGS:

The complaint is that Claimant, a furloughed Group 1 trackman should have been used to drive a truck during Jimerson's (the regularly assigned truck driver) vacation. Carrier did not fill Jimerson's position but instead used Snow, a Class 4 Tamper Operator, to drive the truck when necessary. According to Carrier, and there is no evidence to the contrary, Snow did not perform such work for more than 25 per cent of the work day.

We find nothing in any applicable Agreement or in the notice of July 1, 1955, that prevents Carrier's use of a Group 4 operator to drive the truck for an hour or two each day while the regular truck driver was on vacation. Accordingly, the claim will be denied.

AWARD:

Claim denied.

Dated at New York, N. Y., this 25th day of August, 1964.

/s/ Harold M. Weston  
HAROLD M. WESTON, REFEREE

/s/ Arthur J. Cunningham  
ORGANIZATION MEMBER

/s/ R. A. Carroll  
CARRIER MEMBER