

AWARD No. 17
ITEM No. 124

SPECIAL BOARD OF ADJUSTMENT No. 541

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
and
ERIE-LACKAWANNA RAILROAD COMPANY

STATEMENT OF CLAIM:

1. The Carrier violated the effective Agreement by failing to assign a truck driver, holding seniority on the Buffalo-Rochester Division, for the operation of Bus No. 37, during the period beginning June 10, 1963, and on subsequent dates thereafter.

2. The Carrier shall now reimburse Truck Driver Z. F. McDowell, the assigned operator of Bus No. 37, in an amount equal to the number of hours of work performed by the truck driver from the Susquehanna and Delaware Division, paid for by the Carrier on the dates here involved in this claim.

FINDINGS:

It is quite apparent from the record that Carrier used Grasso, whose seniority was in the Susquehanna Division, to perform transportation work in the Buffalo area where McDowell enjoyed seniority rights. It may well be that Carrier was merely having the work performed for the accommodation of its employees but whatever the reasons, this was Carrier's work that should have been assigned in accordance with the seniority requirements of the applicable Agreement.

McDowell was entitled to the work and the claim will be sustained to the extent of four and one-half hours (the approximate time of the round trip between Buffalo and Hornell) on each of the claim days.

AWARD:

Claim sustained to the extent indicated in the FINDINGS.

Dated at New York, N. Y., this 10th day of March, 1965.

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

/s/ Arthur J. Cunningham
ORGANIZATION REPRESENTATIVE

/s/ R. A. Carroll
CARRIER REPRESENTATIVE