

SPECIAL BOARD OF ADJUSTMENT NO. 541

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES  
And  
ERIE LACKAWANNA RAILWAY COMPANY

STATEMENT OF CLAIM:

1. The Carrier violated the effective Agreement by failing to continue Carpenter Helper Mr. Russell Badger in his position as Carpenter Helper-Truck Driver, in Carpenter Gang, beginning March 16, 1964, and continuing.
2. Carpenter Helper Mr. Russell Badger be compensated for all hours involved from March 16, 1964, until this condition has been corrected.

FINDINGS:

The present dispute and that involved in Award 31 concern the same issue, agreement and contentions, and substantially the same factual situation. The fact that Award 31 concerned a plumbing crew that had dwindled to three men, while here there is a carpenter gang that had been reduced to five employees (a foreman, leader and three carpenters) does not affect the case or call for a different result. No new evidence or rule has been brought to our attention and, in line with our holding, in Award 31, we will deny this claim.

AWARD: Claim denied.

Dated at New York, N.Y., this 6th day of February, 1969.

/s/ Harold M. Weston

Harold M. Weston, Neutral Member

/s/ A. J. Cunningham

A. J. Cunningham, Organization Member

/s/ R. A. Carroll

R. A. Carroll, Carrier Member