

SPECIAL BOARD OF ADJUSTMENT NO. 541
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
and
ERIE LACKAWANNA RAILWAY COMPANY

STATEMENT OF CLAIM:

1. Crane Engineer, Mr. Lester J. Wright be allowed his claim for all travel time hours involved from April 7, 1965, until the condition has been corrected, and 16 1/2 hours travel time which has been disallowed prior to April 7, 1965.

FINDINGS:

Claimant, the regularly assigned operator of Crane 03169 headquartered at Croxton, New Jersey, seeks travel time to and from Croxton for the period during which assignments took him away from that headquarters point.

Petitioner's theory is that when Claimant was required to leave Croxton to work elsewhere, it became Carrier's responsibility to provide him with facilities for meals and lodging at the away-from-home point or to allow him travel time between that point and Croxton. There is merit in Petitioner's position, particularly since Rule 25 provides that "when away from home location, employees will be paid actual necessary expenses, only when not returning to home location daily."

While Carrier could have taken care of the situation under Rule 18(c) by assigning Claimant to a camp car, furnished and maintained in accordance with the requirements of Rule 36, the record is clear that it failed to do so. Casual references by Carrier supervisors to camp cars where he might stay if he so desires are not the equivalent of an assignment. What is contemplated by Rule 18(c) is a clear and definite assignment to a specific camp car.

Under these circumstances, we would sustain a claim for expenses for travel time if there were evidence in the record that they actually were incurred. However, there is no proof that he actually travelled to and from Croxton on those days.

While we agree that an employee is entitled to reimbursement under the terms of the Agreement for expenses incurred when required to work away from his headquarters area, we will deny the claim inasmuch as there is no proof of any actual expense. We are not disposed to require a money payment for travel that has not taken place.

AWARD: Claim denied.

Adopted at New York, N.Y., August 13, 1969

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

/s/ A. J. Cunningham
ORGANIZATION MEMBER

/s/ R. A. Carroll
CARRIER MEMBER