

PROCEEDINGS BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 1016

AWARD NO. 3

Case No. 3

Referee Fred Blackwell

Carrier Member: R. O'Neill

Labor Member: S. V. Powers

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

vs.

CONSOLIDATED RAIL CORPORATION

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood that:

(1) The Carrier violated the Agreement when it failed and refused to allow Welder E. Dillon pay at the welder foreman's rate for the work he performed September 17, 1984 through November 14, 1984 and when it failed and refused to bulletin the position of welder foreman at Wick, Ohio (System Docket CR-1476).

(2) Welder E. Dillon shall be allowed the difference between what he should have received at the welder foreman's rate and what he was paid at the welder's rate for three hundred fifty-five (355) hours of straight time and one hundred fifty-eight and one-half (158 1/2) hours of time and one-half and the position of welder foreman at Wick, Ohio shall be advertised and assigned to the successful applicant.

FINDINGS:

Upon the whole record and all the evidence, and after hearing on December 5, 1988, in the Carrier's Office, Philadelphia, Pennsylvania, the Board finds that the parties herein are Carrier and Employees within the meaning of the Railway Labor Act, as amended, and that this Board is duly constituted by agreement and has jurisdiction of the parties and of the subject matter.

OPINION

In line with the discussion and findings in prior Award

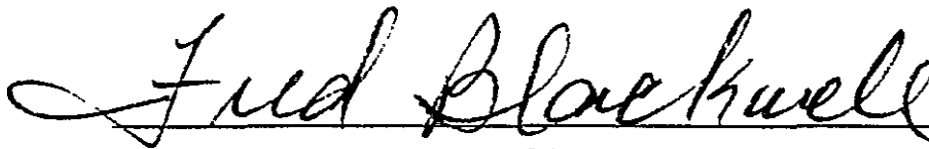
SBA No. 1016 / Award No. 3, Case No. 3

No. 2, Case No. 2, the herein claim will be denied for lack of adequate evidence to establish that the Claimant performed Welder Foreman work involving the duty to "Direct" the other gang members.

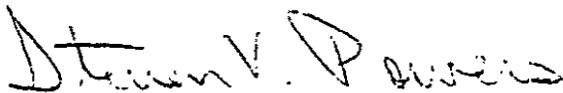
AWARD

Claim denied.

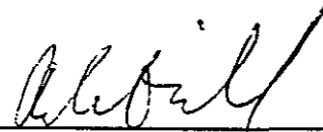
BY ORDER OF SPECIAL BOARD OF ADJUSTMENT NO. 1016



Fred Blackwell, Neutral Member



S. V. Powers, Labor Member



R. O'Neill, Carrier Member

Executed on December 5, 1989

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