

PROCEEDINGS BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 1016

AWARD NO. 7

Case No. 7

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 Messrs. M. Key, J. O. Mincx, J. Thomas, S. L. Rollins and S. Williams pay at the welder helper's rate for the work they performed beginning April 29, 1985 (System Docket CR-1671).

(2) The claimants shall each be allowed the difference between what they should have received at the welder helper's rate and what they were paid at the trackman's rate for each work day beginning April 29, 1985 and continuing until the matter is resolved.

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

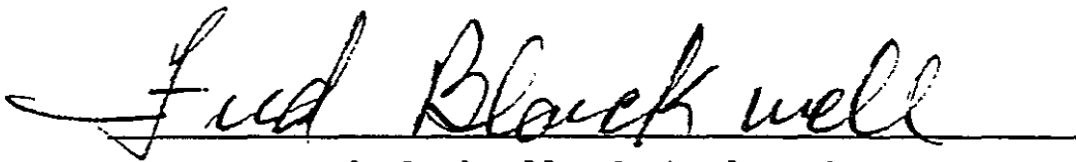
In line with the discussion and findings in prior Award No. 6, Case No. 6, the herein claims will be denied for lack of

adequate evidence to establish the validity of the Claimants' allegations that they performed Welder Helper work every day on a full time basis.

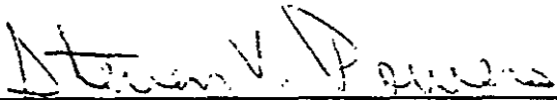
AWARD

Claims 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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