

If Claimant Launt had actually performed the work here in dispute he also could have worked his regular trick on December 25, 1957, except that it would have been necessary for him to have commenced work one hour later that day in order to avoid violating the Hours of Service Law. Thus we do not see that compliance with said Law made it necessary for the Carrier to call out on his rest day an employe from another location, in order to have the work in question performed. We therefore find that Claimant should have been utilized to perform this work. The proper remedy is that he be compensated in the amount of one day's pay at pro rata rate.

AWARD:

Claim sustained in accordance with the above Opinion.

Lloyd H. Bailer

s/ R. J. Woodman  
R. J. Woodman, Employee Member

s/ Chas.N. Faris  
Chas. N. Faris, Carrier Member

New York, New York  
December 19, 1958

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