

(C O P Y)

PROCEEDINGS BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 280

PARTIES TO DISPUTE:

Brotherhood of Maintenance of Way Employes )  
and ) Case No. 42  
St. Louis Southwestern Railway Company ) Award No. 42

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood that:

1. The Carrier violated the effective Agreement by failing to reimburse Machine Operator Ivel Thompson for his actual necessary expense while engaged in operating the front end loader over the territory between Naples and Lufkin, Texas, commencing August 21, 1959, and continuing as long as this violation continues.
2. That the Carrier now reimburse Ivel Thompson for his actual necessary expenses for meals and lodging while engaged in the assignment referred to in part 1 of this claim.

FINDINGS:

Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee 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.

From the evidence produced from the record, the claimant was selected by the Carrier to operate the machine involved in accordance with letter agreement of January 30, 1959. There is no requirement in that agreement that the Carrier pay expenses or furnish an outfit car under the circumstances here involved. The claim will be denied.

AWARD:

Claim denied.

(s) Thomas C. Begley  
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Thomas C. Begley, Chairman

(s) A. J. Cunningham  
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A. J. Cunningham, Employee Member

(s) M. L. Erwin  
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M. L. Erwin, Carrier Member

Dated at Tyler, Texas  
November 19, 1962.