

SPECIAL BOARD OF ADJUSTMENT NO. 488

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES
and
THE BALTIMORE AND OHIO RAILROAD COMPANY

AWARD IN DOCKET NO. 7

STATEMENT "Claim of the System Committee of the Brotherhood that:
OF CLAIM:

1. The Carrier violated the effective agreement by failing to compensate substitute foreman H. H. Anderson, Woodland, West Virginia, Wheeling Division, at the foreman's rate of pay for services rendered on May 13, 14, 15, 18 and 19, of 1959.

2. That substitute foreman H. H. Anderson be now reimbursed for the difference between what he received as a trackman, and what he should have received as foreman on the dates referred to in part one of this claim."

FINDINGS: The work made subject of this claim was performed on May 13, 14, 15, 18 and 19.

The facts with respect to the locations of claimant and his regular foreman on the dates in question indicated that on May 13, claimant was working within a half mile of his regular gang, and on May 18 he was within 4 miles. On the other dates he was working at points varying between $6\frac{1}{2}$ and $10\frac{1}{2}$ miles distant.

Accordingly, we will deny claims for May 13 and 18 but will sustain claims for May 14, 15, and 19 to the extent of payment of the wage differential between foreman's and trackman's rates, less any guarantee payments he may have received.

AWARD

Claims disposed of in accordin

Claims disposed of in accordance with Findings.

(s) Edward A. Lynch
Edward A. Lynch, Chairman

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

(s) T. S. Woods
T. S. Woods, Carrier Member

Dated at Baltimore, Md.,
this 26th day of March, 1963.