

AWARD NO. 5
ITEM: 95

SPECIAL BOARD OF ADJUSTMENT NO. 541
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
AND
ERIE-LACKAWANNA RAILROAD COMPANY

STATEMENT OF CLAIM:

"1. The Carrier violated the effective Agreement by allowing Bolt Machine Operator Mr. Howard Weibel, Group 4, to perform work belonging to a Trackman on October 16, through 20, 1961 inclusive, and including all other days thereafter while this violation continues.

"2. Furloughed Trackman Allen Pennell be now compensated 8 hours per day for each of the days referred to commencing with October 16, 1961, account of this violation of the Agreement."

FINDINGS:

The claim is that the Carrier permitted a Group 4 Bolt Machine Operator named Weibel to perform duties belonging to a trackman. There is no evidence that Weibel did trackman's work. His service as a telephone man did not involve duties that belong exclusively to trackmen.

AWARD:

Claim denied.

Dated at New York, N. Y., this 25th day of August, 1964.

/s/ Harold M. Weston
HAROLD M. WESTON, REFEREE

/s/ Arthur J. Cunningham
ORGANIZATION MEMBER

/s/ R. A. Carroll
CARRIER MEMBER