

AWARD NO. 6
ITEM: 96

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 on December 20, 21, 1961, and again on January 9, 10, 11, 1962, by assigning Shop Craft employes to the work of thawing out frozen hydrants at the Marion Station, Marion, Ohio.

"2. Furloughed Plumber C. W. Pennington be now paid for all the hours and time consumed by the Shop Craft employes in performing this referred-to work."

FINDINGS:

Petitioner conceded that the thawing out work in dispute was of a minor nature and, under the circumstances of this case, we perceive no valid basis for a finding that Car Department employees violated the Maintenance of Way Agreement. The minor thawing out job in question is not similar to the mechanical repairs discussed in Third Division Award 3690 and similar awards.

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