

SPECIAL BOARD OF ADJUSTMENT NO. 894

Case No. 1572 Award No. 1572

PARTIES Brotherhood of Locomotive Engineers
to - and -
DISPUTE: Consolidated Rail Corporation

STATEMENT OF CLAIM:

Claim of Engineer G. A. Gressley for an eight hour day January 8, 1988 on account of irregular service at the final terminal Buffalo, NY. Claimant yarded his train on #2 Main at the Stock Yard in Buffalo Consolidated Terminal then was required to set over 2 cars to #2 Van Site of the Stock Yard.

FINDINGS: The work at issue in this claim occurred when the Claimant arrived at his final terminal to dispose his train. Specifically, he arrived at the terminal at about 7:40 p.m. He then set out 35 cars of his train on Main Line #2 and yarded the remaining two (2) cars on Trailvan Terminal Tack No. 2, out away from the train and was relieved.

The Board agrees with the Organization in this matter. In essence, we find that the Claimant yarded his train on Main Line #2 and then was directed to set off two (2) cars on another track at the same location. We note and give weight in this matter to this Board's Award No. 933. That Award addressed the same key issue as that which is in contention in this claim.

AWARD

The claim is sustained.

J. F. Glass
Carrier Member

Carrier Member

Dated: 2/14/96 . .


Eckehard Muessig
Neutral Member

J. A. Cassidy, Jr.
Employee Member

SYSTEM BOARD OF ADJUSTMENT NO. 894
AWARD NO. 1572
CARRIER MEMBER'S DISSENT

The Board has erred in its decision in this matter. Article F-s-1(a)(4) of the Collective Bargaining Agreement, as amended by the Award of Arbitration Board No. 458, permits Engineers to make up to two straight set-outs at other locations in addition to yarding the train. What the Claimant did in this case, i.e., made one straight set-out on No. 2 Main and yarded his train at another location, Trailvan Terminal Track No. 2 clearly was within the terms of Article F-s-1(a)(4), as amended. The propriety of identifying a Main Line track as a separate location was addressed in Award 1310 of this Board in a nearly identical case. Award No. 933 of this Board cited by the Board also distinguished the Main Line track as a separate location, distinct from and independent of yard tracks within the same terminal, albeit adjacent to the Main Line track. In any event, Award No. 933 of this Board cannot be dispositive of the issue here because the Award of Arbitration Board No. 458 has intervened and changed the key term "yard" to "location(s)." In addition, System Board of Adjustment No. 910, in Awards No. 322 and No. 344 on this property, considered the identical language and reached the same conclusion as the Carrier regarding separate "locations."

Therefore, respectfully, I dissent.



J. F. Glass - Carrier Member