

C&NWT FILE NO: 2-1-1301
UTU CASE NO: D33-577-43

SPECIAL BOARD OF ADJUSTMENT NO. 235

AWARD NO: 2852
DOCKET NO: 5618

PARTIES TO DISPUTE:

UNITED TRANSPORTATION UNION
CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY

Statement of Claim:

"claim of Conductor T. Wisniewski, Brakemen L. J. Beggs and M. T. Riley, Galena Division (Northern District), for a day's pay at prevailing way freight rate, account performing service outside the scope of their assignment at Dixon, Illinois on April 25, 1973. Claim is based on provisions of Road Rule 43, current UTU Agreement."

FINDINGS: This Board upon the whole record and all the evidence, finds that:

The carrier and the employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act, as amended.


This Board has jurisdiction over the dispute involved herein.


On April 24, 1973, an Illinois Central Gulf Railroad road engine was derailed on C&NW track at Dixon, Illinois; the track involved was the industry track at Purity Mills, over which the ICG has trackage rights.

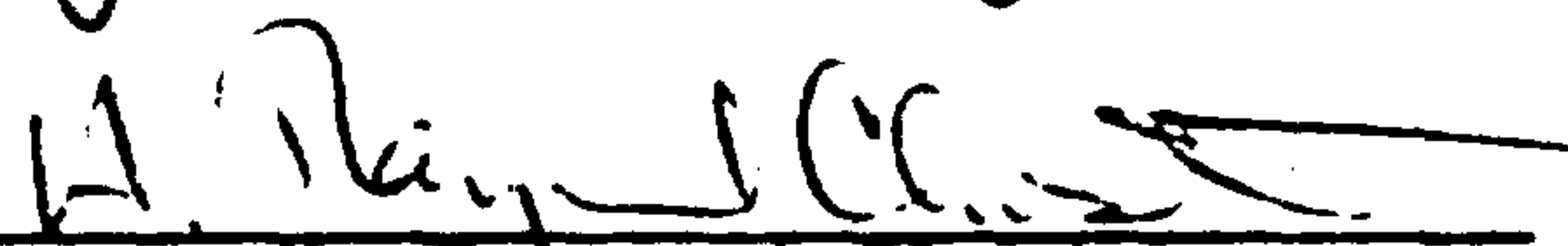
On April 25, Claimants were assigned to a way-freight assignment going on and off duty at Nelson and serving Dixon as well as other points west of Nelson. When Claimants arrived at Dixon, the ICG engine was still derailed and Claimants were instructed to assist in rerailling it. Claimants were paid at the highest rate applicable for performing more than one class of road service, on the basis that they performed helper service in rerailling the ICG engine. They claim an additional day's pay on the basis that they performed service for a foreign carrier.

Carrier states in its submission, uncontroverted by any other evidence, that "it was necessary for the Claimants to rerail ICG Engine 8064 in order to serve Purity Mills . ." Under those circumstances, the claim falls under this Board's ruling in its Award No. 2179, and will be denied for the reasons stated therein.

Award: Claim denied.


G. R. Maloney, Employee Member


J. D. Crawford, Carrier Member


H. Raymond Cluster
Neutral Member and Chairman

CHICAGO, ILLINOIS

DATE: SEP 12 1984

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