

SPECIAL BOARD OF ADJUSTMENT NO. 423

PARTIES TO DISPUTE: UNITED TRANSPORTATION UNION  
VS.  
PORT TERMINAL RAILROAD ASSOCIATION.

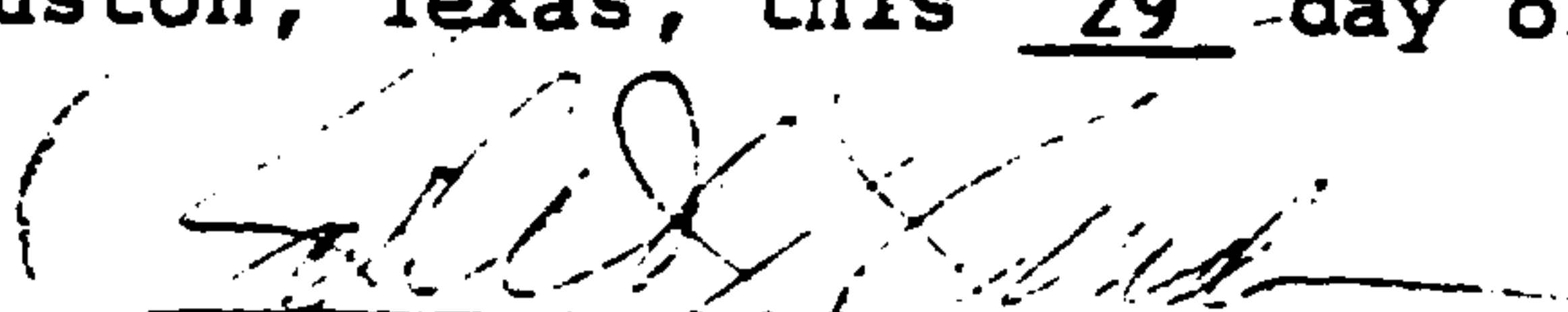
STATEMENT OF CLAIM: Claim of Yardman C. W. Short dated June 26, 1981 for eight (8) hours at foreman rate of pay, account working as foreman from 5:49 p.m. to 7:59 p.m.

SATEMENT OF FACTS: On the claim date the Claimant was assigned to perform service as helper on Job 242. During the tour of duty the regular foreman assigned to Job 242 splashed water saturated with coke on him and was given permission to go home to change his clothes. It is the position of the organization that the Claimant acted as foreman during the time that the assigned foreman was absent and therefore should be paid at eight (8) hours at the foreman rate of pay.

FINDINGS: In support of its contention, the Organization cites Award 209 of Special Board of Adjustment 423 wherein a foreman left his crew due to an emergency at his home for one hour and thirty minutes. In the case which gave rise to Award 209, it appears that the Claimant performed certain duties normally performed by the foreman. In the instant case, it appears that the engineer was given instructions to take the engine back to the north yard and that the remainder of the crew merely rode the train and waited for the foreman to return. It does not appear therefore that the Claimant performed any duties which would give rise to him claiming foreman's pay. It is important to note that the foreman was under pay during the entire time in question. We find no rule support for the claim. Accordingly, it will be denied.

AWARD: Claim denied.

Issued at Houston, Texas, this 29 day of JUNE, 1984.

  
Robert A. Franden, Neutral

  
G. T. DuBose  
Employee Member

  
T. M. Stone  
Carrier Member

*Dissent*