

PUBLIC LAW BOARD NO. 1977

AWARD NO. 78

CASE NO. 78

FILE NO. T-PY-150

PARTIES TO DISPUTE:

Richmond, Fredericksburg and Potomac Railroad Co.

and

United Transportation Union

STATEMENT OF CLAIM

"'Claim of Conductor R. H. Young and Brakeman R. F. Schutte for one (1) day's pay each, August 12, 1980, account road crew shoved 3 Advance back in clear.'"

OPINION OF BOARD

The Maintenance of Way forces had removed northbound freight track from service and that action blocked the normal route of the Carrier's road crew Extra 133. As a result it was necessary for the crew to remove the blockage in order to double back against the remainder of their train.

The Claimants (Yard Crew) were on duty and under pay and that crew asserts that it was entitled to perform the work in question. The Organization denies that prior Awards of this Board resolved the dispute because in the prior Awards road crews "...merely shoved cars back to clear their route." However, in this case the Organization asserts that the road crew's route was changed by the Carrier due to certain work which was programmed by the Carrier for the Maintenance of Way forces.

We have reviewed our Awards 27, 28 and 29 of this Public Law Board and we find that those Awards clearly support the Carrier in this case and we find that the road crew took action which is generally recognized as permissible.

FINDINGS

The Board, upon consideration of the entire record and all of the evidence finds:

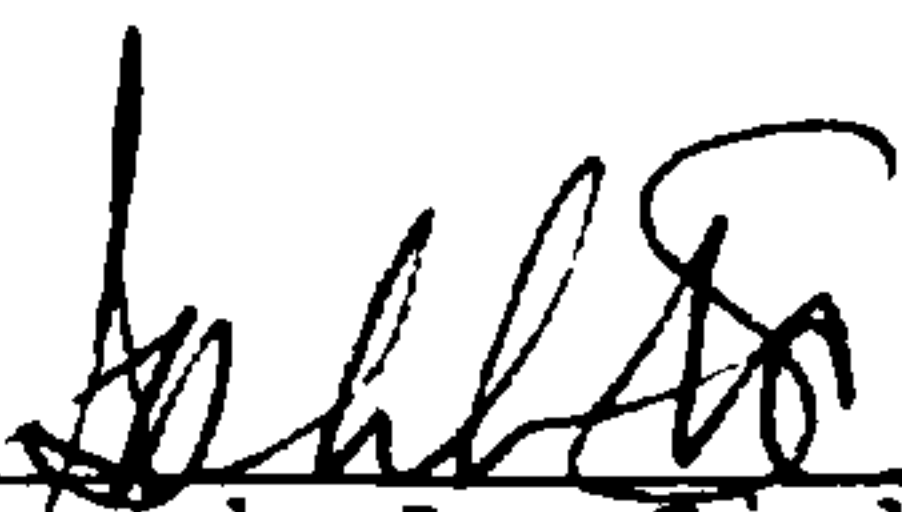
The parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended.

This Board has jurisdiction over the dispute involved herein.

The parties to said dispute were given due and proper notice of hearing thereon.

AWARD


Claim denied.



Joseph A. Sickles
Chairman and Neutral Member



T. B. Choate
Carrier Member



C. E. Wible
Organization Member

4/5/83

DATE