

PUBLIC LAW BOARD NO. 2266

PARTIES) CONSOLIDATED RAIL CORPORATION
TO)
DISPUTE) BROTHERHOOD OF LOCOMOTIVE ENGINEERS

STATEMENT OF CLAIM: Division 71 requests that Engineer D. Bravo be allowed one yard day on September 25, 1977 account runaround.

FINDINGS: This Public Law Board No. 2266 finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

In this dispute an engine derailed on No. 2 Track at Darby Creek while being operated. At 9:00 a.m. on the claim date a trainmaster rerailed the engine and operated it into the Darby Creek Enginehouse.

The Organization filed a claim in behalf of the claimant who was assigned to the Port Richmond engineer's extra list for a yard day's pay for allegedly being runaround. The Organization contends that the claimant was entitled to perform the work.

The Carrier points up that the issue of the trainmaster rerailling and operating the engine is not the issue in dispute, but only whether the claimant is entitled to runaround payment of one yard day's pay.


The Carrier contends that the incident in dispute took place at Darby Creek, which is located within the Chester Consolidated Terminal, and that any extra work arising at Darby Creek can be assigned to engineers on the Chester engineer's extra list.

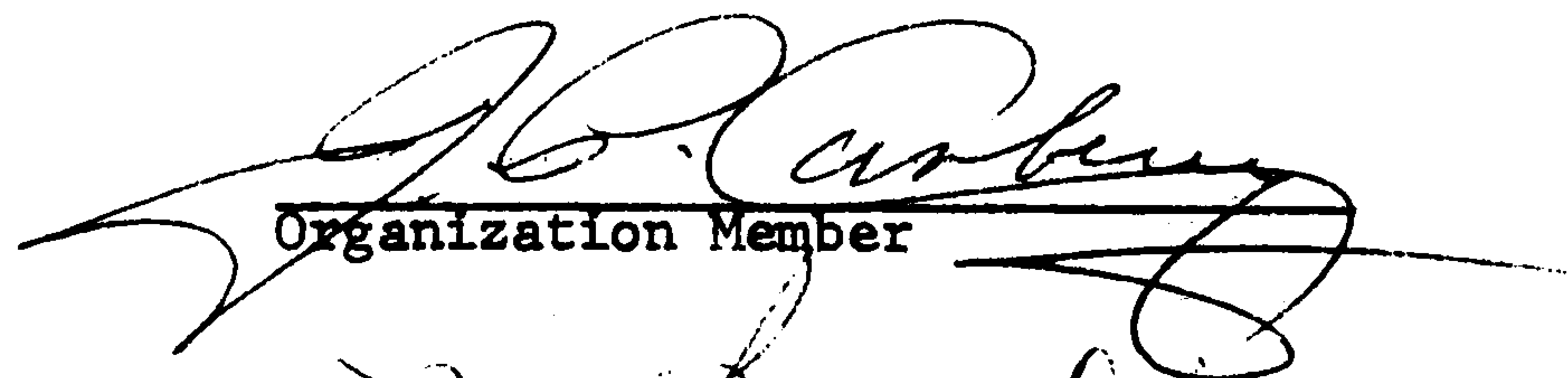
The Carrier also alleges that this extra list was exhausted, and in such situations, the next extra list which would be entitled to perform the service at Darby Creek was the City District extra engineers' list, and that at the time the work was performed, E. J. Pote was the first out and available engineer on the City District engineers' extra list.

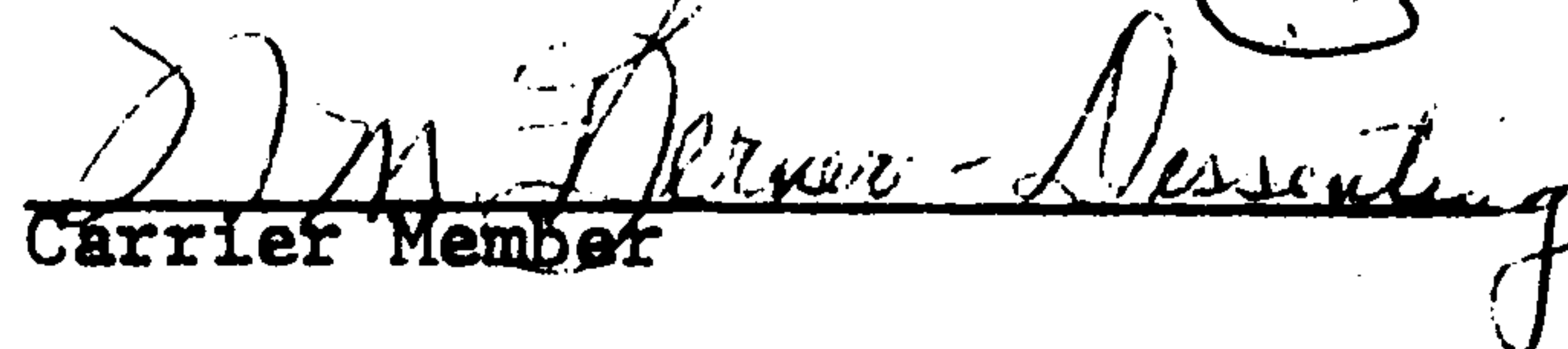
In effect, the Carrier has admitted a violation of the Agreement but contends that the Organization simply has the wrong claimant. In that event the Board finds that the claim will be sustained and directs the Carrier to pay the day's pay to the proper claimant, E. J. Pote.

AWARD: Claim sustained as per above.

ORDER: The Carrier is directed to comply with this award within thirty days from the date of this award.


Preston J. Moore, Chairman


Organization Member


Carrier Member

JUN 5 1979