

PUBLIC LAW BOARD NO. 2089

Award No. 38

UTU File No. NG-21319

Parties United Transportation Union

to and

Dispute Chesapeake and Ohio Railway Company

Statement of Claim Claim of proper James River Subdivision conductor and two brakemen for one (1) day each at work train rate and 105 miles deadhead MP 125 to Clifton Forge, account not being called to get line-up of trains and providing flag protection for contractor's equipment crossing No. 1 and 2 main tracks, approximately 8:30 a.m., June 18, 1974, Walkerford, Virginia.

Findings The Board finds, after hearing upon the whole record and all evidence, that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board is duly constituted by Agreement dated November 21, 1977, and has jurisdiction of the Parties and the subject matter.

The Virginia Fibers Corporation in Walkerford, Virginia, was involved, on June 18, 1974, in moving a bulldozer over Carrier's No. 1 and No. 2 main tracks. A section foreman was assigned to assist in such movement by placing timbers behind the rails for a straight access movement. He secured a line-up of train movements and after the trains had passed placed the timbers, and the bulldozer made the crossover movement.

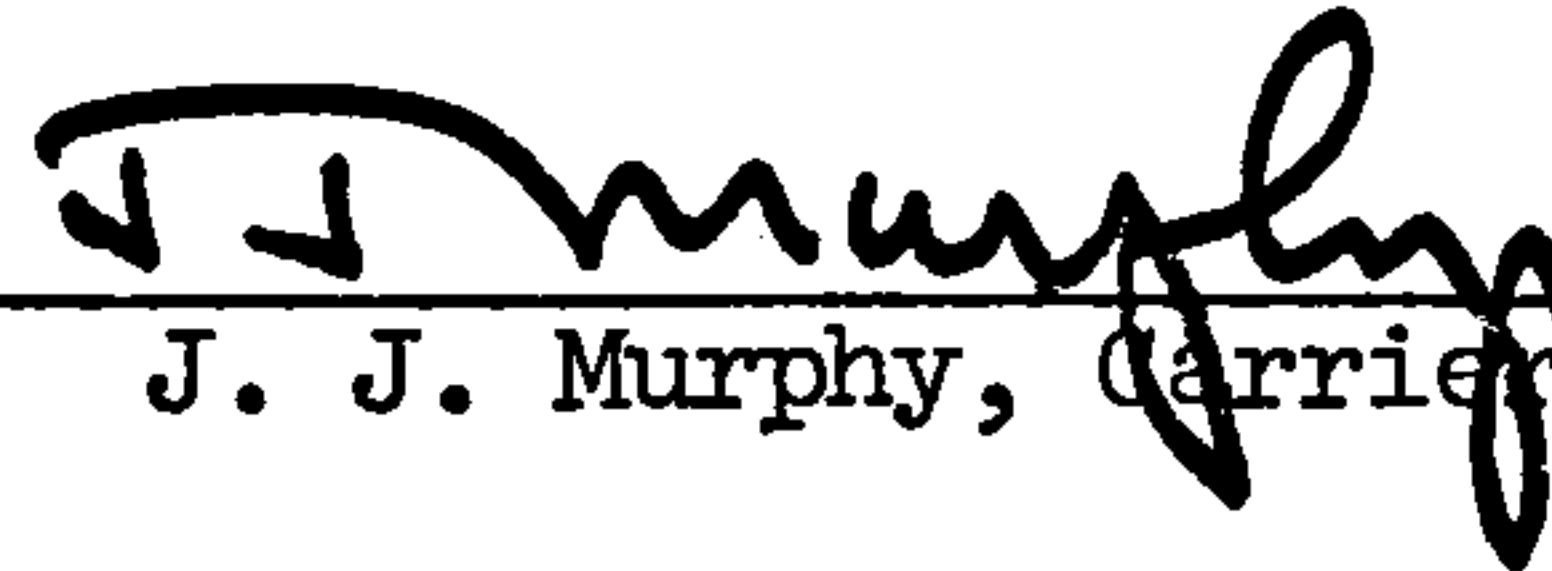
The Employees asserted, and it was not contraverted, that said section foreman had told a UTU Local Chairman that he had been stationed at the point in question to obtain line-ups and flag. In line with Rule 36(d), this claim will be disposed of by allowing 1 day to a conductor only.

Award Claim sustained as per findings.

Order            Carrier is directed to make this Award effective within thirty (30) days  
                    of date of issuance shown below.



H. R. Watts, Jr., Employee Member



J. J. Murphy, Carrier Member



Arthur T. Van Wart, Chairman  
and Neutral Member

Issued at Baltimore, Maryland, December 7, 1978.