

PUBLIC LAW BOARD NO. 1312

Award No. 728

Docket No. 764
UTU File 28051/1134
Carrier Case No. 21630

Parties United Transportation Union (C&T)
to and
Dispute The Baltimore and Ohio Railroad Company

Statement Claim for one additional day of Conductor C. W. Stewart, ID
of 1033270, Flagman H. R. Samples, ID. 1030362 and Brakeman
Claim H. R. Shaw, ID. 1031199 at Gassaway, W. Va., account regularly
assigned to Trains 50 and 51 and required to run through
terminal. RJ-383-C K04058, dated February 19, 1968. To
include all subsequent claims when made a matter of record.
Date of claim January 29, 1968.

Findings: The Board, after hearing upon the whole record and all
evidence, finds that the parties herein are Carrier and Employee, within
the meaning of the Railway Labor Act, as amended, that his Board is duly
constituted by Agreement dated February 19, 1974, that it has
jurisdiction of the parties and the subject matter, and that the parties
were given due notice of the hearing held.

Carrier abolished the last yard assignment at Gassaway, West
Virginia, as of February 13, 1967 as was its right. That it was a
Section 2 Carrier under the provisions of Article I of the June 25, 1964
UTU National Agreement was upheld by property Award 1678 of PLB 399
(Dugan).

Prior to November 8, 1967 Claimant crew was regularly assigned in
through freight service between Gassaway, and Grafton, West Virginia.
Gassaway, the home terminal for crews on Trains 50-51, has a direct
physical connection with the Sutton (Gassaway) branch.

Trainmaster Bulletin #47 was issued at Gassaway on November 8, 1967 advertising a turn for conductor flagman and headman on trains 50-51 as follows:

"Item 105: Conductor Flagman and Head Brakeman, Train 50-51 between Gassaway-Sutton-Grafton. Train 50 called Gassaway 2:30 PM, Monday, Wednesday and Friday and returning called Grafton 6:00 PM, Tuesday, Thursday and Saturday. Same working limits as present turn between Gassaway-Grafton and also works between Gassaway and MP 6.7 on Sutton Branch, Monday, Wednesday and Fridays. Home terminal Gassaway. 6 day turn. Turn re-advertised account change in working limits and calling time. THROUGH FREIGHT RATE***"

Claimants, on January 29, 1968, reported at 2:30 PM for Train 50 at Gassaway. They were instructed to proceed to Sutton, West Virginia perform their work and then return to Gassaway to proceed to their away-from-home terminal, Grafton.

Employees argue that after Claimants had completed the assigned work on the 6.7 mile Sutton branch and had returned to Gassaway that they should have been relieved there because it was their home terminal. Hence, when they were continued on to Grafton that Carrier was thereby in violation of Rule 77 reading:

"Conductors and trainmen dispatched from terminal will not be relieved until they have reached one of their terminals."

The Board finds such claim to be without merit.

Here, Claimants performed the service within the bulletin limits of their assignment Gassaway on the eastward leg, or return trip, was but an intermediate point. See our Awards 387 and 391. Therefore, Rule 77, Terminal Release, had no application thereto.

Claimants received the mileage for the trip to Sutton.

We find no contractual proscription to bulletining a turn which includes therein a branch line. It has been too long held to need

citation of authority therefore that Carrier, absent any contractual restriction, is within its right to rearrange assignments in accordance with business and operating conditions. We find that the trip to Sutton, which was included in the new bulletined assignment was properly required and that Gassaway on Claimants return trip became an intermediate point, albeit their home terminal, of which they could work and run through. Therefore, absent rule support, the Board, can not find a proper basis for such claim. It will be denied.

AWARD Claim denied.

H. D. Masters

H. D. Masters, Employee Member

J. J. Murphy

J. J. Murphy, Carrier Member

Arthur T. Van Wart

Arthur T. Van Wart, Chairman
and Neutral Member

Issued November 29, 1982