

PUBLIC LAW BOARD NO. 1312

Award No. 756

Docket No. 830  
10326/605  
Case No. 10326

Parties United Transportation Union  
to and  
Dispute The Baltimore & Ohio Railroad Company

Statement

of Claim: Claim for one yard day in addition to other earnings of Conductor H. E. Coffman, ID. 1007131, Brakemen H. A. Miller, Jr., ID. 1039225 and R. L. Greathouse, ID. 1013746 at Clarksburg, W. Va., January 24, 1976, account required to couple caboose for another crew.

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 this 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.

Claimants, on date of claim, were operating in turn around service between Grafton and Clarksburg. They arrived at Clarksburg lite engine and caboose and was instructed to place their caboose over on a train standing on No. 2 Hill track and couple to same. Thus, giving rise to the instant claim. Carrier denied the claim on the basis that Claimants were not so instructed.

Claimant, on March 3, 1976, some 38 days later, wrote a memo asserting therein that Yardmaster Flemming had so instructed the crew to couple their caboose onto an eastbound train at the west end. The memorandum of conference was held at Grafton, on July 30, 1976, some 4 months later and Carrier still asserted that Claimants were not instructed.

The Board finds that the evidence before it preponderates in favor of the Employee's contention. In the circumstances, the claim will be sustained.

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. 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 April 15, 1983