

PUBLIC LAW BOARD NO. 2149

Award No. 5

Case No. 5
UTU File No. 19-843
Carrier File 21-F-40503

Parties United Transportation Union (E)

to and

Dispute The Atchison, Topeka and Santa Fe Railway Company
(Coast Lines)

Statement of Claim Claim of Engineer G. R. Reed for an outside hostler day at Needles on July 2, 1973.

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 March 15, 1978, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

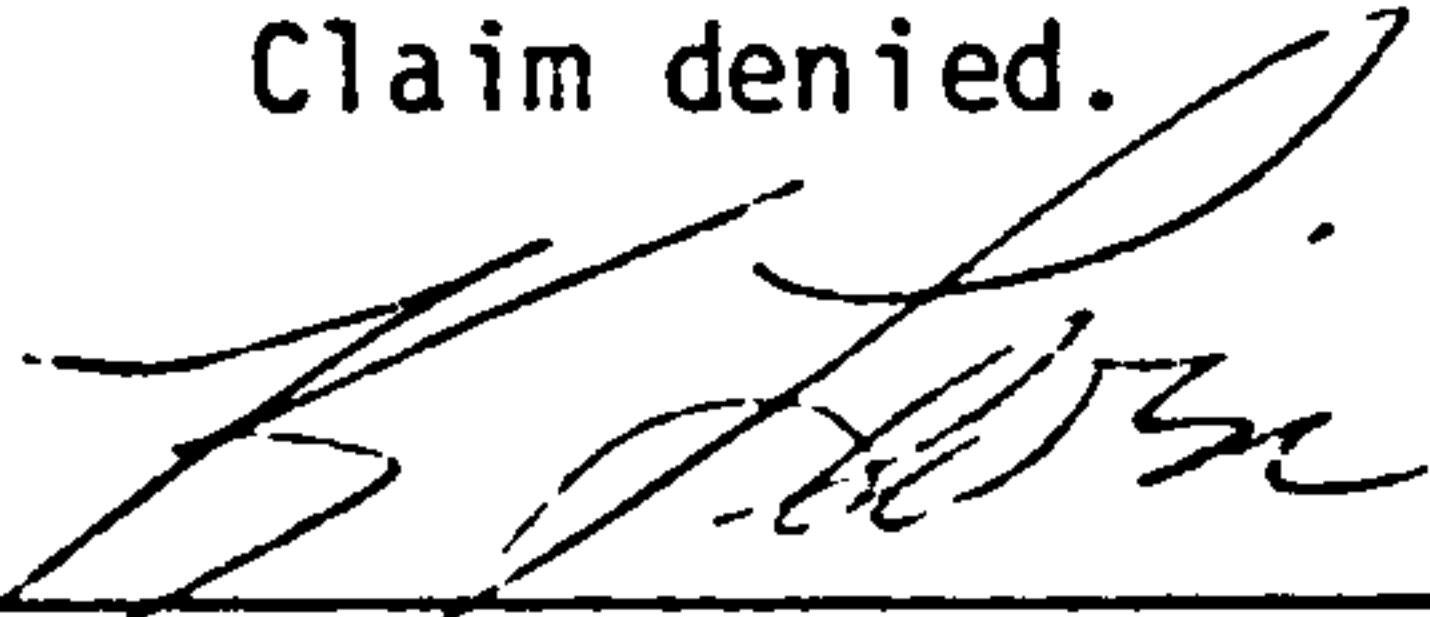
Claimant, on July 2, 1973 was the Engineer of Train 943-CJ-2, Needles to Seligman. After Claimant took charge of his train he was instructed to make a crossover move to the north track (Westbound main line) on his way out of the terminal and was instructed to stop at the East fuel rack to permit Mechanical Department employees to place fuel on two units of the outbound train's locomotive consist. After the fuel had been added Claimant proceeded out of town by crossing back over to the south track (Eastbound main line) at the interlocking switch enroute to Seligman. Hostlers are not employed at Needles.

The Board finds that the weight of evidence here tips in favor of Carrier. Claimant was operating on his train, way out of town. He was required to make a stop, albiet in so doing Claimant's train crossed over from one main line to the other. Nevertheless such crossover movement did not make that movement inconsistant with the factual situation in Case F-36 of Chicago Conference

upon which employees placed strong reliance. Also, there is no similarity between the factual circumstances found in Award 1 of PLB 2017 on this property and the instant case. The movements here complained of were all made in a continuous forward movement in the direction departing from the terminal.

The Board finds that the Awards cited by Carrier rendered by SBA's on this property, such as Decision 382 of SBA 35, Decision 357 of SBA 35, Award 154 of SBA 379 in particular, and Award 4 of PLB 599 provide adequate support for the conclusions reached herein. In the circumstances this claim will be denied.

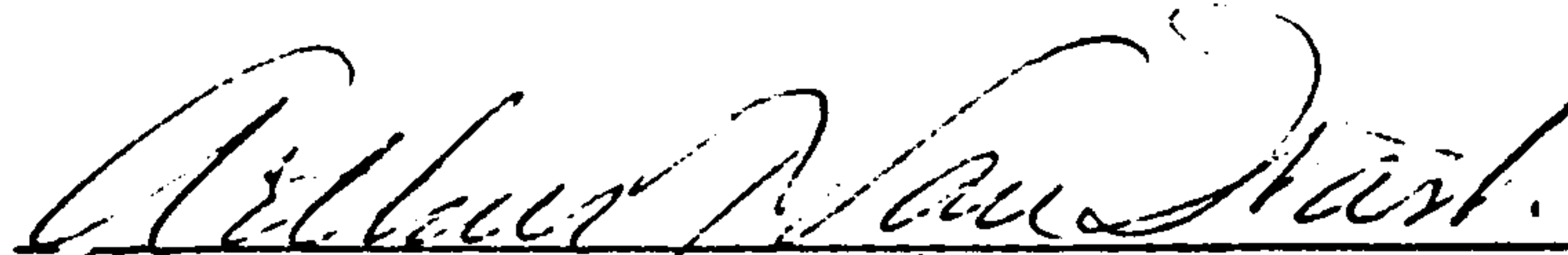
Award Claim denied.



K. Levin, Employee Member



A. D. Dula, Carrier Member



Arthur T. Van Wart, Chairman
and Neutral Member