



FINDING:

A number of claims are presented involving the movement by industry at Calcite, Michigan. The cars were on the carrier's main line at R-56. The cars were moved to the carrier's run around track, from the main line where they had been spotted by the freight crew. The carrier concedes that the cars were moved, but argues that there is no showing of who moved the cars, and whether the movement was by on-rail, or off-rail equipment.

The movement of cars on carrier rails by other than carrier employees is work under the carrier and union contract. While the carrier cannot be a guarantor, that this will not happen, particularly as here, the carrier was unaware of the movement, it is the carrier's responsibility to police its trackage. Here we have 19 to 21 claims for the period July, 1977 to October, 1977. The dates claims were submitted to the carrier and the carrier put on notice is not disclosed except reference of lead claim for July 7, 1977. However, the carrier allowed claims to run after the July 7th notice. However, later claims were made for employees on duty and under pay, and thus is a claim for an improper claimant and cannot be allowed. The claim will be allowed for the July 7, 1977 claim of Martin, Bygden and Donakowski, Herrick.

AWARD: CLAIM SUSTAINED AS PER FINDING

ORDER: This award is ordered effective forthwith, and the Carrier is directed to make payment within thirty (30) days.

DATED: August 21, 1979

Ray City Mich

Arthur W. Sempliner  
Arthur W. Sempliner  
Chairman and Neutral

C. J. McPhail  
C. J. McPhail  
Carrier Member

L. J. Wotaszak  
L. J. Wotaszak  
Organization Member