

CASE: 5391-2

AWARD NO. 30

FILE: 400-27-153

ITEM NO. 34

PUBLIC LAW BOARD NO. 817

PARTIES TO DISPUTE: UNITED TRANSPORTATION UNION (T-C)

SOO LINE RAILROAD COMPANY

STATEMENT OF CLAIMS: Claim of brakemen D. F. Brennan and J. J. Resheske for 100 miles while on Train No. 15 account required to help the Waukesha Turn on December 3, 1970 at Allenton.

FINDINGS: The engine of a local freight train known as the Waukesha Turn failed on the main line while switching four of its cars and its caboose at the station. In order to clear their way the Claimants, brakemen on Train No. 15 operating in the opposite direction, placed the four cars and caboose on the house track.

Claim is made for a day under Article XII, Rule 13 (d)1, which reads as follows:

"(d) 1. When assigned road brakemen are required to perform helper service in connection with a train operating in the opposite direction or a train diverting to a different route at junction point, they will be allowed miles or hours whichever is the greater, with a minimum basic day each time such service is performed.

The Carrier has rejected the claim on the grounds that this was station switching and that the work was done to clear the track for their own train. Although this was done at a station, it was not Claimants' work as such. Rule 13 (d) 1 makes no exception for clearing the way, and like claims have been sustained in First Division Award No. 20625, and Award No. 20 of Public Law Board No. 795.

AWARD: CLAIMS SUSTAINED.

The Carrier is directed to pay these claims within thirty days.

Howard A. Johnson
HOWARD A. JOHNSON Chairman

D. L. BORCHERT Carrier Member D. C. DEERING Employee Member
Minneapolis, Minnesota 1973.