

PARTIES) UNITED TRANSPORTATION UNION
 TO) v.
 DISPUTE) BURLINGTON NORTHERN RAILROAD CO.

STATEMENT
 OF CLAIM:

Claim on behalf of Foreman P. G. Graham, Helpers, B. E. Johnson and N. E. Kilgore for one (1) day's pay at pro rata rate based upon service performed by Train 151 shoving stalled Yard Job 201 into North Yard, Fort Worth, Texas, on September 13, 1979.

OPINION OF THE BOARD

On claim date, Fort Worth Yard Job 201 stalled at Mile Post 4. Train 151, a through-freight train being manned by an officer crew due to a strike in progress on the C.R.I.P. property, came behind the Yard Job 201 and assisted them into the North Yard at Fort Worth. This claim involves the same principles applied in Award No. 171 of this Board. Carrier can properly utilize officer crews on through-freight trains between Teague and Fort Worth, Texas, during the C.R.I.P. strike. The only difference between this case and Award No. 171 of this Board, being that the officer crew of a through-freight train assisted a Fort Worth and Denver Switch Crew which had stalled into the Fort Worth and Denver North Yard at Fort Worth.

It is undisputed that Yard Job 201 stalled at MP 4. This mile post location is a 4.8 mile segment of single track approaching North Yard. This Yard Job would have to be moved in order for 151 to be yarded. The only reason that 151 was required to shove such yard job, was to clear the main line so that the crew of 151 could yard their train.


It is has been held repeatedly that the shoving of cars incidental to the yarding of its train is properly required of a road crew and is not yard service. See NRAB Award 17781, First Division Award 13034 and Award 15 of PLB 1033.


For the above reasons, this claim will be denied.

AWARD: Claim denied.

Signed at Fort Worth, Texas this 12th day of November, 1985.


Gene T. Ritter, Chairman


J. A. Alford, Organization Member


G. L. Shire, Carrier Member