

PARTIES) UNITED TRANSPORTATION UNION (E)
TO)
DISPUTE) DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY

STATEMENT OF CLAIM:

Claim of Engineer J. W. Marino for an additional two engine changes while employed on 11:30 p.m. Proctor switch in Proctor yard. Engineer was instructed by yard to take engine 189 and put to regular tie up track. This claim was changed to 100 mile at Hostler rate. (Case No. E-19-81)

FINDINGS:

This Board, upon consideration of the entire record and all of the evidence, finds that the parties are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction over the dispute involved herein.

The central issue in dispute is not unlike that which was before this Board in Case No. 4 (Award No. 4), except in the instant case Claimant was required to move an engine from track 1 to track 3 at the Proctor Dieselhouse.

An ancillary issue concerns the Organization's protest that the Claimant was required to "MU" the towed locomotive, i.e., connect the control cables between the two units and thereby cause the two locomotive units to operate as one. The Carrier submits that such contention was made by the Organization only at final conference when agreement establishing this Board was signed, and is contrary to its understanding of the facts as developed on the property. In this regard, it takes the position that the foregoing contention represents a change in material argument, and comes too late to be considered. We concur.

For the reasons set forth in Case No. 4 (Award No. 4) we will likewise deny this claim.

AWARD:

Claim denied.



Robert E. Peterson, Chairman
and Neutral Member



K. C. Sutton, Carrier Member



C. Bryant, Employee Member

Duluth, MN
January , 1984