

NATIONAL RAILROAD ADJUSTMENT BOARD
FIRST DIVISION

With Referee Nicholas H. Zumas

Award 22 797

Docket 40 361

PARTIES (United Transportation Union (successor to Brotherhood of
TO (Railroad Trainmen)
DISPUTE (Southern Railway Company

STATEMENT OF CLAIM: "Claim of Conductor K. S. Jennings and Brakemen M. R. Runalduie and I. H. Barnett for pay for 100 miles in addition to what they were allowed for service performed on January 12, 1962."

FINDINGS: The First Division of the National Railroad Adjustment Board, upon the whole record and all the evidence, finds that the parties herein are carrier and employe within the meaning of the Railway Labor Act, as amended, and that this Division has jurisdiction.

Hearing was waived.

Claimant crew was in assigned local freight service and on claim date, had scheduled on duty time in its initial terminal, Orange, of 6:15 A.M. A south-bound passenger train, No. 33, was at the station in Orange with two diesel units as motive power; one of the units exhausted its water supply, and carrier asserts in its statement of facts, "the single diesel unit remaining operative could not pull the train over the hill south of Orange station, but beyond that hill could handle the train to a point where water could be obtained."

Claimant crew appeared at this time, which was 6:05 A.M., ten minutes prior to their on-duty time on their local freight assignment. Again referring to carrier's statement of facts, we find: "To help the passenger train get moving, Trainmaster Robbins who was at Orange directed members of the local freight crew to couple their engine to No. 33's locomotive and by pulling southward, help the passenger engineer get his train started." This first assistance was insufficient and the passenger train stalled, unable to pull over the hill; claimants then used their engine, pushing the passenger train over the hill and in performing this work, went beyond the limits of Orange. Claimants then returned to their terminal, took up their own assignment and completed it.

Claim is made for an additional basic day of 100 miles for the helper service performed in advance of their regular day's work, which entailed a short trip outside their initial terminal in the opposite direction from their local freight turn. Carrier offered to pay claimants at a higher rate applicable to helper service, for the entire time on duty, to cover the assistance to passenger train 33 and completion of the local freight assignment, under Article 10, the two or more classes of road services rules in the respective conductors' and trainmen's agreements.

The claim of the engine crew in this case had been submitted to the Division, being docketed as No. 39 391. It was subsequently withdrawn and disposed of By Award No. 75 of Public Law Board No. 626. The Public Law Board held:

"The record reflects that this crew was used outside its assigned limits."

The claim was sustained.

We can find no basis for rendering a different decision here, and the claim will be sustained.

AWARD: Claim sustained, per findings.

DATED AT CHICAGO, ILLINOIS
THIS 7th DAY OF January 1975

NATIONAL RAILROAD ADJUSTMENT BOARD
BY ORDER OF FIRST DIVISION

ATTEST: Executive Secretary
National Railroad Adjustment
Board

By: 
Assistant Executive Secretary