

PUBLIC LAW BOARD NO. 1977

AWARD NO. 63

CASE NO. 63

FILE NO. 487

PARTIES TO DISPUTE:

Richmond, Fredericksburg and Potomac Railroad Co.

and

United Transportation Union

STATEMENT OF CLAIM

"Claim of Conductor D. R. Castle and Brakemen S. W. Lineberger and J. W. Wolfe for one days pay each, May 5, 1975."

OPINION OF BOARD

On the claim date, a roundhouse employee boarded an engine on No. 7 Track in the Relay Yard and operated it to the engine house.

Rule 10(b) defines transfer of all freight and passenger equipment operating exclusively within the switching limits as constituting yard work, and when this roundhouse employee transferred the engine, he was, according to the Employees, performing work which was properly performed by Yardmen.

The Carrier seems to concede that the roundhouse employee should not have operated the engine, but it argues that these employees would not necessarily have a claim to the work, because the handling of "live" engines is not work within the scope of the Yardmen's Agreement.

This Board has significant problems with the Carrier's presentation in this case. While it may very well be that their contention is accurate, nonetheless they have not established the rights to "live" versus "dead" engines on this property. To be sure, they have cited a decision of Public Law Board No. 2218, however different parties were before that Board than are before us.

Thus, we are confronted with a situation where the Carrier concedes that a roundhouse employee acted improperly, but we do not have before us the various agreement rules necessary to draw the distinction urged to us by this Carrier. Accordingly, limited solely to the procedural status of this case, we will sustain the claim.

FINDINGS

The Board, upon consideration of the entire record and all of the evidence finds:

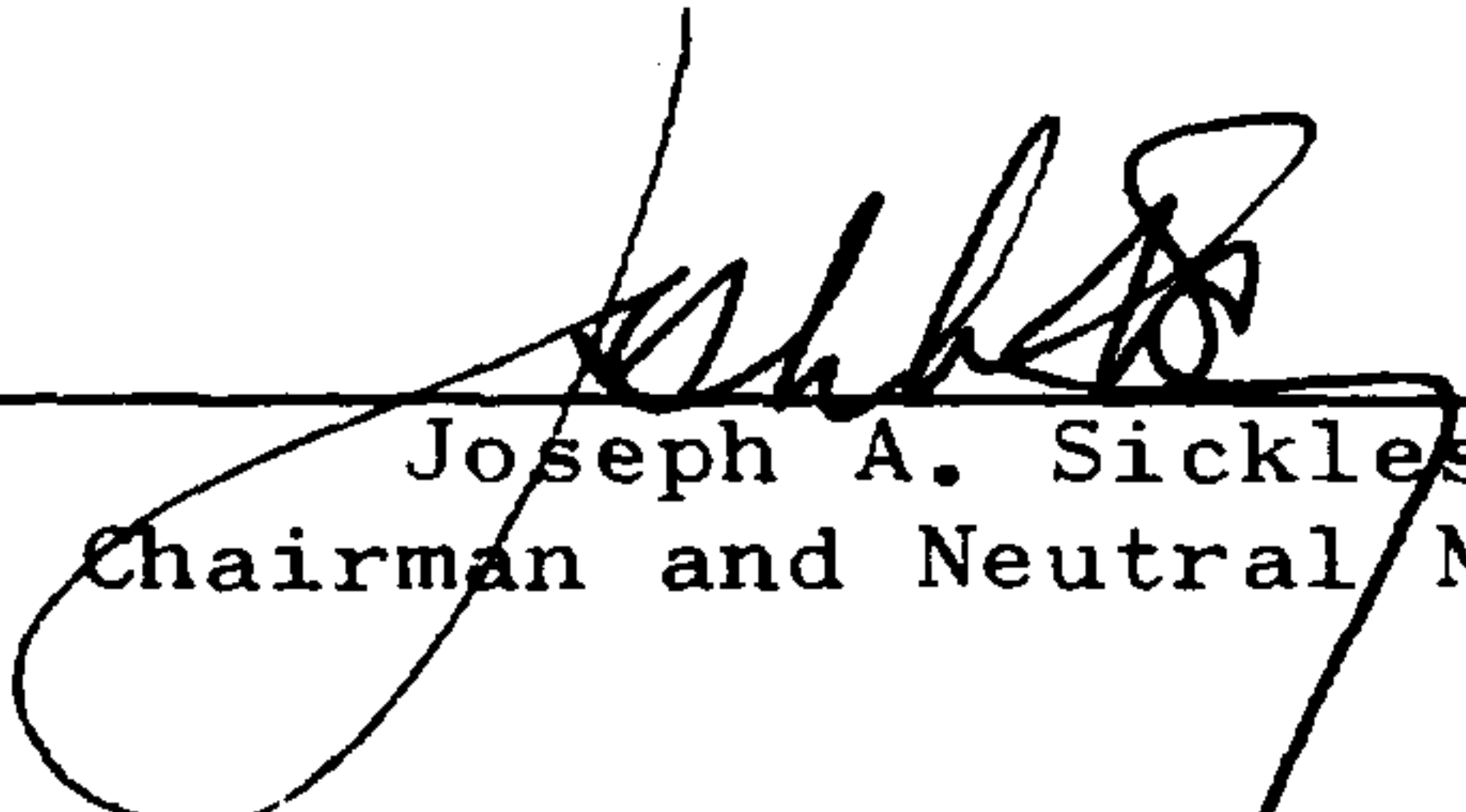
The parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended.

This Board has jurisdiction over the dispute involved herein.

The parties to said dispute were given due and proper notice of hearing thereon.

AWARD

1. Claim sustained.
2. Carrier shall comply with this Award within thirty (30) days of the effective date hereof.



Joseph A. Sickles
Chairman and Neutral Member



T. B. Choate
Carrier Member



C. E. Wible
Organization Member



DATE