

PUBLIC LAW BOARD NO. 3230

UNITED TRANSPORTATION UNION (E)

VS.

SEABOARD SYSTEM RAILROAD, INC.
(Former Seaboard Coast Line Railroad Company)

STATEMENT OF CLAIM: Claim of Engineer E. T. Brown on time ticket No. 2½ dated May 7, 1981, claiming minimum yard day account of being required to switch cars on the Southern Railway.

STATEMENT OF FACTS: On May 7, 1981, Claimant Engineer E. T. Brown was protecting Engineer's Assignment on Yard Job No. 34 at Charlotte Yard, Charlotte, North Carolina. On the same date, Southern Railway Yard Engine was in the process of pulling 35 cars from SCL-Southern connection or interchange track, that had been delivered to them by SCL, when their engine and one or more head-end cars derailed at a point near the Southern scale house.

Southern Railway officials requested that SCL dispatch a yard engine to pull the rear end of the 35 cars clear of the derailed equipment. Yard Job No. 34, Claimant's assignment was sent to pull the cars back in the clear. For performing this service, Claimant Engineer Brown filed claim for an additional day's pay at yard rate which was declined.

FINDINGS: The Board finds that Claimant Engineer E. T. Brown was properly instructed and did pull the 35 cars back in the clear. This was not done for the benefit of the SCL but so that the Southern could effect rerailment and was therefore service performed for a foreign carrier.

AWARD: Claim sustained. Carrier shall make this award effective within 30 days from the date hereof.

Dated at Jacksonville, Florida, April 18, 1983.

C. A. Peacock
C. A. Peacock, Neutral Member

W. H. Morse, Jr.
W. H. Morse, Jr., Carrier Member

J. E. Harden, Jr.
J. E. Harden, Jr., Organization Member