

PUBLIC LAW BOARD 3869

Houston Belt and Terminal Railroad Co. :  
and : Award No. 48  
United Transportation Union : Case No. 48

STATEMENT OF CLAIM

"Claim is made for and in behalf of Yard Foreman P. D. Foster and Yard Helpers S. Leroy and H. A. Heusel for eight (8) hours at the applicable pro rata rate in addition to any and all other earnings on October 15, 1984."

OPINION OF THE BOARD

The Claimants were assigned to Job 303 North end, South Yard PTR A Transfer and they were assigned to switch Tracks 3 and 6 at Settegast Yard while members of Job 310 North "A" lead South Yard were assigned to transfer an interchange from SP East Yard to South Yard.

The crew was bulletined as of 10:30 p.m. and was the only transfer job on duty. Therefore, it urges that it had a preferential right to any transfer work to be performed.

The Carrier denied the claim asserting that no other assignment performed work within the area of Job 303's bulletin area nor did anyone perform work that is reserved to Job 303 by bulletin or agreement. Concerning the use of the other crew to transfer cars into the SP while the Claimants were in Settegast Yard the Carrier responds that Claimants were not bulletined as the SP transfer and had no rights to claim work.

Based upon our understanding of the past history leading to the contractual prohibitions, and the facts of this case, we find that the Organization has established a prima facie case which has not been rebutted by the Carrier and we will sustain the claim.

FINDINGS

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

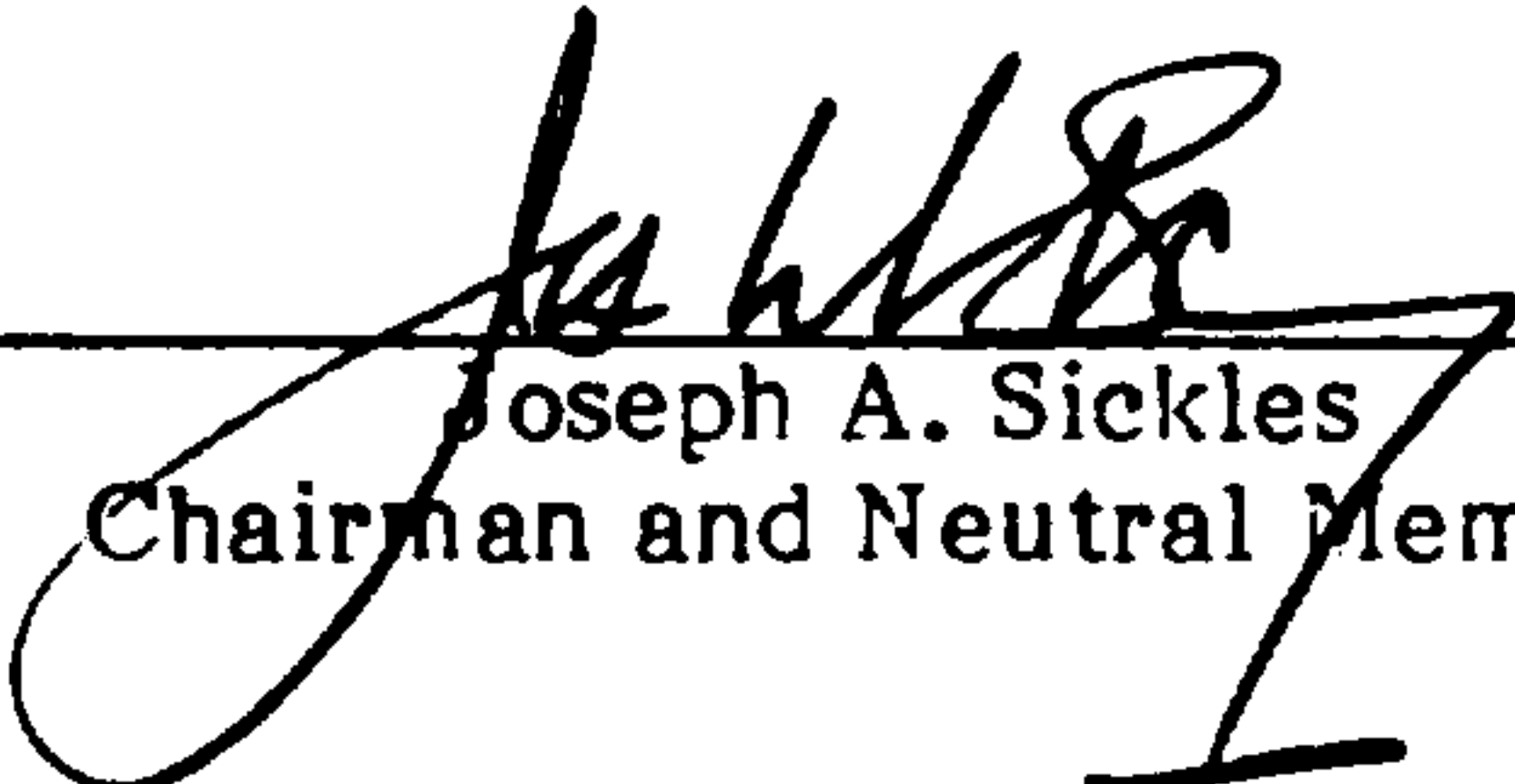
The parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended.


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.

  
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Joseph A. Sickles  
Chairman and Neutral Member

  
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T. M. Stone  
Carrier Member

  
\_\_\_\_\_  
C. L. Little  
Organization Member

  
\_\_\_\_\_  
Date