

NATIONAL RAILROAD ADJUSTMENT BOARD
FIRST DIVISIONAward No. 24370
Docket No. 44071
94-1-93-1-N-2225

The First Division consisted of the regular members and in addition Referee David P. Twomey when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Locomotive Engineers
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(Northeast Illinois Railroad Corporation

STATEMENT OF CLAIM:

"Payment for claim of Engineer L. H. Gullicksen for rate of pay on Assignment No. 24 because of being displaced from Assignment No. 22 without being properly notified, resulting in lost wages on January 4, 1993."

FINDINGS:

The First Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

On December 14, 1992, the Claimant, marked up on Assignment No. 22 which was a temporary vacancy created when an Engineer went on vacation. He worked Assignment No. 22 on a regular basis until the morning of January 4, 1993. Sunday, January 3, 1993 was his assigned rest day. On the morning of January 4, 1993, the Claimant reported for duty on Assignment No. 22. After arriving at Joliet Coach Yard the Claimant proceeded to go into the yard office to check the current General Orders and current Director Operating Notice; had a conversation with a Road Foreman, and then proceeded to the coach yard to check his locomotive and train. While performing these duties he met Engineer Gleason, who notified the Claimant that he had marked up for Assignment No. 22 Sunday afternoon, January 3, 1993, thus displacing the Claimant. Thereafter the Claimant checked with the Crew Management office and he was directed to go home. The claim before this Board is for the day's wages lost.

The Carrier Crew Callers made five attempts to reach the Claimant on Sunday, January 3, 1993, at 12:48 PM, 3:30 PM, 5:43 PM, 8:40 PM and 9:38 PM without success. The Claimant was on an assigned day off on January 3, 1993. He neither knew nor should have known that he had been displaced on January 3, 1993; and he showed up for his assignment on January 4, 1993, sometime after 5:00 AM. A Crew Caller is more likely to reach an employee on an assigned day off at a period of time closer to his assigned starting time. Neither the afternoon Crew Caller called the Claimant after 9:30 PM, nor did the night Crew Caller make a single attempt to reach the Claimant after 11:00 PM through the period before Mr. Gullicksen reported to work on the morning of January 4, 1994. Had the Claimant been notified of his displacement by the night Crew Caller, he could have marked up on Assignment No. 24 and worked on January 4, 1993. We shall sustain this claim, strictly limited to the facts of this particular case.

AWARD

Claim sustained.

O R D E R

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of First Division

Dated at Chicago, Illinois, this 3rd day of October 1994.