

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
FIRST DIVISION

Award No. 25179

Docket No. 44854

01-1-99-1-U-2101

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

(Brotherhood of Locomotive Engineers
PARTIES TO DISPUTE: (
(Union Pacific Railroad Company (former Chicago and
(Eastern Illinois Railroad Company)

STATEMENT OF CLAIM:

“Claim of Engineer R.K. Reeder for 130 miles deadhead separate and apart for July 28, 1997 and 260 miles deadhead separate and apart for July 1, 1997 and 260 miles deadhead separate and apart for July 22, 1997, account not notified to combine his deadhead with the service portion of his trips in accordance with Article VI of Arbitration Award No. 458 including Side Letter No. 4, Paragraph 11-A as well as Item No. 6 of System Agreement - Claims Handling Process effective June 01, 1996.”

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 were given due notice of hearing thereon.

I.

L/R File No. 1082268 involves a claim regarding service on July 28, 1997. This claim was withdrawn as set forth in Carrier Exhibit B, which was signed by an Organization representative.

II.

L/R File No. 1082268 involves claims for 130 miles for two deadheads performed on July 1, 1997. The Claimant was never notified to combine deadheading with the service portion of the trips. No condition of deadheading was ever given to the Claimant by the caller, when the Claimant was called for service. This claim is sustained for 260 miles for deadheading separate and apart on two occasions on July 1, 1997.

III.

L/R File 1082271 relates to claims for 130 miles for each deadhead on July 22, 1997. Separate penalty claims were filed for being worked off the Claimant's seniority district at Benton Siding and Chap on the claim date, and the Organization states that they are being handled separately from the instance case. Thus, the Board must address the claims for 130 miles for each deadhead.

The Organizations case before the Board is clear and concise. It states:

"Claimant filed the instant claims here for 130 miles for each deadhead (260 miles); he was never notified at any time to combine deadheading with the service portion of his trip."

Please see Organization Exhibit J-36 where the Claimant states in part he was called in combined service. The Organization's position before the Board thus is not correct. We have reviewed all of the documents available to us and the Organization's limited theory before us, and we are compelled to deny this claim.

AWARD

Claim sustained in accordance with the Findings.

Form 1
Page 3

Award No. 25179
Docket No. 44854
01-1-99-1-U-2101

ORDER

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 5th day of March, 2001.