

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
FIRST DIVISION

Award No. 25183

Docket No. 44858

01-1-99-1-U-2105

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  
(Union Pacific Railroad Company (former Chicago and  
( Eastern Illinois Railroad Company)

STATEMENT OF CLAIM:

"Claim of Engineer J.E. Perry for 130 miles deadhead separate and apart, each date claimed, for September 04, 05 and 15, 1997 account not notified to combine his deadhead with the service portion of his trip 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.

On September 4, 1997, Claimant Engineer J. E. Perry was called to perform Hours of Service Relief, at 8:00 A.M., deadheading from Villa Grove at 8:30 A.M. to

Beecher, Illinois, for Train MSMGF-03. Upon arrival at Beecher, at 9:45 A.M., the Claimant began the service portion of his trip, delivering his train to the Grand Trunk Western Railroad at Griffin Tower, Chicago, Illinois, at 10:30 A.M. The Claimant was then instructed to deadhead a second time from Chicago to Goodnow to protect Train MSLCH-03, departing Chicago at 13:25 P.M., arriving and beginning the service portion of his trip at 14:10 P.M. He departed Goodnow at 14:30 P.M., arriving back at Chicago at 16:05 P.M., with final tie up at 17:15 P.M. The Claimant had a legitimate claim for a basic day for a deadhead separate and apart from service on September 4, 1997, and it appears from the record before the Board that he was paid \$145.00 for a deadhead separate and apart for September 4, 1997. (See Employee's Exhibit H-11) If the Claimant was not in fact paid he shall have the right to receive such a payment under this Award.

## II.

The Organization has not put on a sufficient case in regard to claims relating to September 5 and 15, 1997 to enable the Board to evaluate the Organization's assertions. Accordingly, we must dismiss the claims for September 5 and 15, 1997.

## AWARD

Claim sustained in accordance with the Findings.

## 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.