

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
FIRST DIVISION

Award No. 25186

Docket No. 44861

01-1-99-1-U-2108

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 E.M. Bryant for 130 miles deadhead separate and apart for September 06, 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.

On September 7, 1997, Claimant Engineer E. M. Bryant, was called to work assignment CNAAC-28 from Metropolis, Illinois, to Mt. Vernon, Illinois, a point 29 miles south of Salem, Illinois. Total miles for the working portion of this trip is 151 miles. After delivering the train at Mt. Vernon, Illinois, at 3:00 A.M. on September 9,

1997, the Claimant was released from the service portion of his trip commencing his deadhead back to Salem, arriving and tying up at Salem at 3:50 A.M. The Claimant claimed 130 mile deadhead separate and apart from the service because he was never instructed at any time to combine his deadhead with the service portion of his trip. The Carrier asserts in its Submission that its records for Internal Service Research indicate that the Claimant was notified to combine deadhead with service, and that therefore the claim is invalid. However, no such supporting document was made part of the record. We shall sustain this claim because there is no evidence of record to refute the Claimant's claim of lack of notice.

AWARD

Claim sustained.

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.