

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
FIRST DIVISION

Award No. 25413
Docket No. 45817
03-1-02-1-M-2097

The First Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Locomotive Engineers
(MidSouth Rail Corporation (KCS)

STATEMENT OF CLAIM:

"Claim of MidSouth Engineer J. P. Quigley for one (1) days pay (Yard Rate) at overtime rate account not being called for Job #34 on January 6, 2001. Engineer J.P. Quigley was rested and available and L&A Engineer J.A. Murphy was called for the Job.

Claim of MidSouth Engineer J. P. Quigley for one (1) days pay (Yard Rate) at overtime rate account not being called for Job #32 on January 6, 2001. Engineer J.P. Quigley was rested and available and L&A Engineer Brenda Sowls was called for the Job."

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.

Claimant J. P. Quigley is a regular MidSouth Engineer. On January 6, 2001, he was on his regular assigned rest day rested and available for call to cover an assignment. On January 6, the Carrier used two L&A Engineers to fill MidSouth vacancies on Yard assignments No. 34 and 32, thus running around the Claimant. The Claimant submitted two claims, one for each trip for which he was not called. He requests penalty pay for each runaround. The Carrier denied both claims. The dispute was thereupon progressed to the Board for final resolution.

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The Board has reviewed the record and, as a result of that review, has concluded that the Claimant should be paid a basic day's pay at straight time for one runaround.

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 30th day of April 2003.