

YARDMEN--OTHERS PERFORMING DUTIES OF (YARDMASTERS)

FORM 1

NATIONAL RAILROAD ADJUSTMENT BOARD
FIRST DIVISION

With Referee Robert M. O'Brien

Award 22 648

Docket 39 245

PARTIES (United Transportation Union (successor to
TO (Brotherhood of Railroad Trainmen)
DISPUTE (Akron, Canton & Youngstown Railroad Company

STATEMENT OF CLAIM: "Claim of extra yard brakeman first out on list for eight hours yard brakeman's rate account yardmaster throwing #4 switch east end yards for 7:15 A.M. crew, January 23, 1962."

FINDINGS: The First Division of the National Railroad Adjustment Board, upon the whole record and all the evidence, finds that the parties herein are carrier and employe within the meaning of the Railway Labor Act, as amended, and that this Division has jurisdiction.

Hearing was waived.

It is undisputed in this record, that it became necessary to take action because of certain activities by yardmasters and this resulted in a notice being posted under date of April 19, 1960, to all yardmasters, reading:

"Effective at once yardmasters are prohibited from throwing any switches in the Brittain Yard District.

"They are also prohibited from giving any signals other than a stop signal."

It is further matter of undisputed fact that on claim date, Yardmaster Millhoff threw a switch in connection with the movement of a cut of cars he was supervising.

This Division has sustained similar claims, Awards Nos. 14 225, 20 258, 20 231 and 21 637, and they are applicable here. Carrier has presented

evidence in mitigation of the yardmaster's action but this was not properly made a part of the dispute in the course of the handling on the property and comes too late to be heard.


The Claim will be sustained.

AWARD: Claim sustained.

DATED AT CHICAGO, ILLINOIS
THIS 9th DAY OF September 1974

NATIONAL RAILROAD ADJUSTMENT BOARD
BY ORDER OF FIRST DIVISION

ATTEST: Executive Secretary
National Railroad Adjustment
Board

By: 
Assistant Executive Secretary