

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24037  
Docket Number MW-24715

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way **Employes**  
(  
(The Escanaba and Lake Superior Railroad Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

(1) (a) The Agreement was violated when the Carrier failed and refused to allow Messrs. C. Ahlskog, D. Latvis, **F. Barron** and B. Latvis time for traveling between their home station (Ontonagon) and **Amasa** on either and/or December **11**, 12, 13, 15, 16, 17 and 18, **1980**

and

(b) The Agreement was further violated when the claimants were not paid mileage allowance for the use of their personal automobiles **therefor** (System **File ELS-1715**).

(2) The claim as presented in a letter dated February 13, **1981** by General Chairman W. C. **Jorde** shall be **allowed** as presented because General Manager John **Larkin** did not give reasons for his declination thereof dated July 24, **1981**.

(3) As a consequence of either or both (1) and/or (2) above

'Carl Ahlskog, Dave Latvis, **Fred Barron** and Bill **Latvis** for compensation at the named claimants applicable overtime rates of pay for time expended in traveling between claimants' headquarters in Ontonagon, **Mi.** and the work location at **Amasa, Mi.** for the following **dates** and times:

Carl Ahlskog: Driving on December **11**, 12, 13, 17, 1980, for a total of 864 miles and seventeen (17) hours expended in travel during the recognized overtime hours.

**Dave** Latvis: Driving 216 miles on December 18, **1980**, **ex-**pending four (4) hours traveling during the recognized overtime hours.

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Fred **Barron**: Driving on December 16 and 17, 1980 for a total of 432 miles and expending eight (8) hours in traveling during the recognized overtime hours.

**Bill Latvis**: Driving on December 15 and 16, 1980, for a total of 432 miles and expending eight (8) hours traveling during the recognized overtime hours."

OPINION OF BOARD: In this docket, the Carrier has failed to file an **ex parte** submission and failure to do so leaves the position and assertions of the Organization, which adequately support the claim, unchallenged and uncontroverted. The claim, therefore, must be sustained. (Awards 14891, 24020 and 24021)

FINDINGS: The Third **Division** of the Adjustment **Board**, upon the whole record and all the evidence, finds and **holds**:

That the parties waived oral hearing;

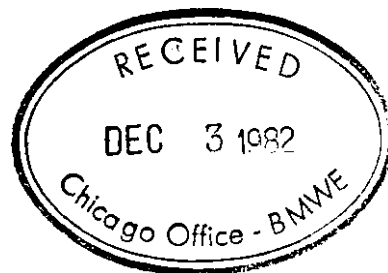
That the Carrier and the **Employes** involved in this dispute are respectively Carrier and **Employes** within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment **Board** had jurisdiction over the dispute involved herein; and

That the Agreement was violated.

A W A R D

Claim sustained as presented.



NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest: **Acting Executive Secretary**  
National **Railroad** Adjustment Board

BY Rosemarie Rrasch Bush  
Rosemarie Rrasch - Administrative Assistant

Dated at Chicago, Illinois this 15th day of November 1982.