

The Third Division consisted of the regular members and in addition Referee Gil Vernon when award was rendered.

PARTIES TO DISPUTE: ( (Brotherhood of Maintenance of Way Employees  
(Elgin, Joliet and Eastern Railway Company

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

(1) The Agreement was violated when the Carrier compensated Water Service Mechanic R. Vironda at his straight time rate instead of his time and one-half overtime rate of pay for the eight (8) hours of service he performed each day on September 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, October 6, 7, 8, 9, 10, 13, 14, 15 and 16, 1986 (System File BJ-21-86/UM-37-86).

(2) As a consequence of the violation referred to in Part (1) above, Mr. R. Vironda shall be compensated for the difference between what he was paid at the straight time rate and what he should have received at the time and one-half overtime rate for the work he performed on the dates listed in Part (1) above and on subsequent continuing dates until such time as the violation was corrected."

FINDINGS:

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

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes 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 waived right of appearance at hearing thereon.

The facts in this case are essentially similar to those in Third Division Award 29220. The Carrier abolished all positions and then recalled the Claimant. The claim seeks time and one-half for all hours worked during his period of recall pursuant to Rule 53(c).

For the reasons expressed in Award 29220, the Organization's application of Rule 53(c) cannot be supported.

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Award No. 29222  
Docket No. MW-28510  
92-3-88-3-324

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

  
Nancy J. Dwyer - Executive Secretary

Dated at Chicago, Illinois, this 7th day of May 1992.