ITEM 41(d)

October 18, 1974

In the conference October 5, 1976 we discussed the following claim:

C‑1488. G‑251‑1503‑R. Claim on behalf of Conductor D. C. Jenkins and Brakeman N. E. Dragoo, Marysville, for 197 miles on December 21, 1975.

On the claim date Conductor Holsapple and Brakeman Duntz were first‑out on their extra boards. They were called from their first‑out positions to protect the first vacancies that arose‑‑3:35 p.m. vacancies in ID service.

Holsapple and Duntz having been called, moved Conductor Jenkins and Brakeman Dragoo up one notch on the extra boards. Jenkins and Dragoo were then first‑out and were subsequently called for the next service to arise‑‑at 3:40 p.m. deadhead to Hastings for work train service.

The organization argues that Jenkins and Dragoo should have been called for ID service and Holsapple and Duntz to deadhead for the work train. Rule 41(e)(7) is cited as basis for the claim. The rule provides:

"(7) When calling crews to deadhead, call crew first out to deadhead and next crew to run the train; at the final terminal they will be called in same order."

The claim will be allowed with the under­standing that henceforth Rule 41(e)(7) will be applied only in those situations where the dead­head and the service trip commence at the same time. In other words, where, as here, the service trip departs before the deadhead, Rule 41(e)(7) will have no applicability.