

Award No. 7232
Docket No. MS-7517

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

LEONARD D. WOOSTER

FONDA, JOHNSTOWN & GLOVERSVILLE RAILROAD

STATEMENT OF CLAIM: Petitioner claims overtime pay for periods of time put in by him while working for the said Fonda, Johnstown & Gloversville Railroad Company over and above the regular contracted 8 hour day; said overtime being put in by the claimant from a period subsequent to 5:00 P. M. until on or about 8:30 P. M., the aforesaid period of time was a time when the claimant herein was required by his employer, Fonda, Johnstown & Gloversville Railroad Company to remain at home for the purpose of answering any emergency phone calls from members of the train crews of the aforesaid Fonda, Johnstown & Gloversville Railroad Company.

OPINION OF BOARD: The record does not show that the asserted claim in this docket has been handled in accordance with Section 3, First (i) of the Railway Labor Act and the Rules of Procedure of this Board.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon and upon the whole record and all the evidence finds and holds:

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

That this Division of the Adjustment Board has no jurisdiction over the dispute involved herein; and

That for reasons stated in Opinion this claim will be dismissed.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 6th day of February, 1956.