

Award No. 11995
Docket No. SG-11355

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Bernard J. Seff, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN
LOUISVILLE AND NASHVILLE RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Louisville and Nashville Railroad Company that:

(a) The Carrier violated the current Signalmen's Agreement, particularly Rule 18(a), when it failed to call Signal Helper F. M. Grant with regular assigned headquarters at Walton, Ky., for service to be performed on the Walton, Ky., signal maintenance territory on January 29, 1958.

(b) The Carrier now be required to compensate Signal Helper F. M. Grant for a minimum call at the rate of a Signal Maintainer account of the violation cited in part (a).
[Carrier's File: G-357-2, G-357]

EMPLOYES' STATEMENT OF FACTS: Mr. F. M. Grant is regularly assigned to the Signal Helper position with headquarters at Walton, Ky. Mr. Grant is assigned to work with Signal Maintainer D. Cochran on the Walton, Ky., signal maintenance territory.

On January 29, 1958, at approximately 3:25 A. M., signal trouble occurred on the Walton, Ky., signal maintenance territory at Signal No. 781 which caused train No. 73 to stop at Zion, Ky.

The Carrier did not call either of the regular assignees, Signal Maintainer Cochran or Signal Helper Grant, for the service that was to be performed on their regular assigned signal maintenance territory on January 29, 1958.

Inasmuch as both regular assignees were available and not registered as absent, a claim was filed by Local Chairman J. T. Bass in behalf of Signal Helper Grant for a minimum call of two hours and forty minutes at the overtime rate of a Signal Maintainer account not being called to perform the overtime work that properly accrued to his assigned territory. The claim was filed with Mr. Frank Hacker, Signal Supervisor, under date of April 25, 1958, and read as follows:

All matters referred to herein have been presented, in substance, by the carrier to representatives of the employes, either in conference or correspondence.

OPINION OF BOARD: The issue here is identical with that disposed of in Award No. 11994 involving these same parties. This award being controlling, the claim will be denied.

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 has jurisdiction over the dispute involved herein; and

That the Carrier did not violate the Agreement.

AWARD

The claim is denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 16th day of December 1963.