

Award No. 13851
Docket No. SG-13727

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Daniel House, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN

LEHIGH VALLEY RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Lehigh Valley Railroad Company that:

(a) The Carrier violated the current Signalmen's Agreement, as amended, particularly Article 2, Section 10(k); and Article 4, Section 14, when it required Signal Helpers to leave their assigned territories and work on adjoining territories, instead of calling furloughed employes, on April 20, 26, May 8, 9 and 17, 1961.

(b) The Carrier be required to compensate Mr. Thomas Vathis, the senior furloughed employe in April, 1961, for two (2) days' pay at the Signal Helper rate, and Mr. Roy Azzalina, the senior furloughed employe in May, 1961, for three (3) days' pay at the Signal Helper rate.

EMPLOYEES' STATEMENT OF FACTS: On April 20, 26 and May 17, 1961, the Carrier required a Signal Helper from an adjoining territory to fill a temporary position at Slatington, Pa., and on May 8 and 9, 1961, a Signal Helper was similarly used at Port Reading, Pa. Mr. Thomas Vathis was the senior furloughed employe during April, 1961, and Mr. Roy Azzalina was the senior furloughed employe during May, 1961.

Under date of May 26, 1961, the Local Chairman presented a claim on behalf of Thomas Vathis and Roy Azzalina on the basis the Carrier should have used the senior furloughed employe to fill the temporary vacancy, rather than use an employe from another territory. The Local Chairman's original claim, presented to the Supervisor, S&T, has been reproduced and attached hereto as Brotherhood's Exhibit No. 1. The Supervisor's denial, dated June 7, 1961, is Brotherhood's Exhibit No. 2. The Local Chairman then presented an appeal, dated June 14, 1961, to the Division Engineer, with a copy thereof to the Supervisor as notice of the rejection of his decision. The Division Engineer's letter of denial, dated June 20, 1961, is Brotherhood's Exhibit No. 3. The Local Chairman then presented an appeal, dated

have been placed in the rule. As there was no temporary position (thirty days to six months duration) established and bulletined, there was no need to recall a furloughed man.

It is, therefore, the Carrier's contention in the instant case that the sending of a regular signal helper to perform the service complained of was proper under the rules of the Agreement. The rules cited by the Employees do not give any exclusive right to this work to the claimants.

As the claim on behalf of R. Azzalina and T. Vathis is not supported by the rules cited by the Employees, the claim in the instant case is without merit, and the Carrier respectfully requests it be denied.

(Exhibits not reproduced.)

OPINION OF BOARD: The record does not contain sufficient evidence to prove the violation of the Agreement claimed by the Brotherhood.

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 Employees involved in this dispute are respectively Carrier and Employees 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 Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 28th day of September 1965.