

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19270
Docket Number SG-16745

William M. Edgett, Referee

PARTIES TO DISPUTE:

(Brotherhood of Railroad Signalmen
(
(The Chesapeake and Ohio Railway Company
(Chesapeake District)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood of Railroad Signalmen on the Chesapeake and Ohio Railway Company (Chesapeake District) that:

(a) Carrier violated the current Signalmen's Agreement, in particular Rules 1 and 25, when, on December 20, 1965, it used an employe not covered in the Signalmen's Agreement to clear trouble on switch No. 61 at NJ Cabin. The cause of the trouble referred to herein was brought about by a broken eyelet on reverse motor contact (D) wire which was responsible for the switch not moving to reverse position when tried by the Operator.

(b) Carrier be required to compensate Signal Maintainer James Graham, regular assigned Signal Maintainer, at his applicable rate of pay, for the comparable time that the Carrier used an employe not covered in the Signalmen's Agreement in clearing trouble as defined in part (a) of claim.

/Carrier's File: SG-224/

OPINION OF BOARD: The principle involved in this claim has been decided, in favor of Claimant's position, in Awards No. 11761 and 19186 between the same parties. This Board has held that awards between the same parties, on the same property are entitled to great weight and should be followed unless clearly wrong. No such finding has been made here and accordingly the claim will be sustained.

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

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That the Agreement was violated.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: E.A. Killen
Executive Secretary

Dated at Chicago, Illinois, this 22nd day of June 1972.