

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19386
Docket Number SG-19108

Robert A. Franden, Referee

(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(Seaboard Coast Line Railroad Company

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Seaboard Coast Line Railroad Company that:

(a) Carrier violated the Signalmen's Agreement, particularly the Scope, when, on July 9, 1969, communications employee J. W. Pitts, not covered by the Signalmen's Agreement, was permitted or required to perform recognized signal work in connection with loading and delivering signal material to Signal Maintainer G. N. Hoffman, Winterhaven, Florida.

(b) Carrier now pay W. B. Alexander, Ocala Signal Shop, for 11 hours and 45 minutes at his overtime rate in addition to any pay he has already received for July 9, 1969, as a consequence of the violation. (Carrier's File: 15-1)

OPINION OF BOARD: On July 8, 1969 a storm severely damaged a hot box detector at Winterhaven, Florida. The dispatcher called Signal Maintainer Hoffman to make the repairs. Carrier utilized Communications Employee Pitts to obtain certain equipment from the Signal Shop at Ocala and deliver it in the company truck to Signal Maintainer Hoffman and assist him with the repairs. The Organization alleges that the utilization of Pitts in the above described manner was a violation of the Scope Rule. Claimant Alexander was the senior employee in the Signal Shop who had a valid drivers license which would permit him to operate the company truck.

During the handling on the property the Organization alleged that the Hot Box Detector was signal material. The Carrier has consistently denied this.

The Claimant has failed to meet his burden of showing that what was involved in the instant case was the movement of Signal equipment. Absent evidence substantiating the allegation we must dismiss the claim.

FINDING: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

Award Number 19386
Docket Number SG-19108

Page 2

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 Claim be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

E. G. Killen
Executive Secretary

Dated at Chicago, Illinois, this 28th day of July 1972.