

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19966  
Docket Number X-19639

C. Robert Roadley, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen  
(George **P.** Baker, Richard C. Bond, **Jervis Langdon, Jr.**,  
( and Willard Wirtz, Trustees of the Property of  
( Penn Central Transportation Company, Debtor

STATEMENT OF CLAIM: Claim of the General **Committee** of the Brotherhood of Railroad Signalmen on the Penn Central Transportation Company (former New York Central Railroad Company - Lines West of Buffalo) that:

(a) Carrier violated the current agreement covering Foremen, Inspectors and Technicians, dated February 15, 1961, as amended, particularly Rules 7, and 11, when it failed to assign **R.** Breedlove to position of Signal Foreman C&R Gang No. 24 as referred to in Job Bulletin No. 171 dated November 1, 1970, and Job Assignment Bulletin No. 171 dated November 13, 1970.

(b) Carrier should be required to compensate Mr. Breedlove at the Signal Foreman rate of pay for all time he is required to work a lower rated position.

(c) Carrier should also pay Mr. Breedlove interest on any money due under this claim at the rate of **1-1/2** per cent per month, compounded monthly, commencing on the first day of the month in which compensation would have been earned.

OPINION OF BOARD: The circumstances in this case are the result of actions taken by the Carrier against the Claimant as covered by Third Division Award No. 19965 which resulted in Claimant's former position of Foreman on C&R Gang No. 24 being advertised for bid by Bulletin No. 171. The vacancy occurred account Claimant being disqualified by Carrier in all classes above Signal Mechanic, the facts leading up to such discipline being thoroughly described in the Award referred to above.

This Board, having carefully considered the position of the parties in Award **No.** 19965 together with all the evidence presented, denied the claim in **that** case which action sustained the position of the Carrier. Claimant's disqualification was to remain in effect "....until such time you prove you are capable of handling men."

The instant claim appears to be a duplication of the claim in Award No. 19965 the decision in which is controlling in this claim. Therefore, we will dismiss the claim.

**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 claim be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: A. W. Pauls  
Executive Secretary

Dated at Chicago, Illinois, this 28th day of September 1973.