

NATIONAL RAILROAD **ADJUSTMENT** BOARD

THIRD DIVISION

Award **Number** 20729

Docket **Number** X-20494

Robert A. **Franden**, Referee

(Brotherhood of Railroad Signalmen

PARTIES TO DISPUTE: (

(The Long Island Rail Road Company

STATEMENT OF CLAIM: Claim of the General **Committee** of the Brotherhood of Railroad Signalmen on the Long Island Rail Road:

On behalf of Radio **Communications** Technicians E. **Sumski**, C. **Latham**, J. Varbury, J. Argiro, J. Morris, R. **Eckardt**, and R. Barreiro for eight hours pro rata pay each account radio equipment sent to the General Electric Company during the month of April 1972 to have work performed thereon,

OPINION OF BOARD: This claim is based on an alleged violation of the Scope rule contained in the Agreement between the parties. Specifically it claimed that a violation arose when the Carrier sent certain radio equipment to the General Electric Company to have work performed thereon.

The Carrier contends that it merely loaned five radio sets to General Electric so it could examine and analyze same to determine what modifications would be necessary to improve the radio equipment. **It** is further contended as a part of the engineering check out the equipment was modified in the improved manner as par the proposal of General Electric to upgrade the radio system. The five sets were then returned to the Carrier and are used for spare parts.

The facts in this case are in dispute. The record herein fails **to** develop the facts sufficiently so that a definitive finding based on the Scope rule is possible.

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

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That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL ~~RAILROAD~~ ADJUSTMENT BOARD
By Order of Third Division

ATTEST: *A.W. Paulson*
Executive Secretary

Dated at Chicago, Illinois, this 30th day of my 1975.