

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20750
Docket Number **SG-20682**

William M. Edgett, Referee

PARTIES TO DISPUTE: ((Brotherhood of Railroad Signalmen
(Missouri Pacific Railroad Company

STATEMENT OF CLAIM: On behalf of the following named members of **Signal** Gang 1412, Houston, for an additional payment of three (3) hours each at time and one-half their respective straight time hourly rate; account work of their assignments was denied them when the Carrier assigned an outside contractor (Fisk Electric) to wire and install a Meter Loop (a part of a Highway Flasher Signal installation) on a pole they had set at Coronation Drive, Houston, on November 17, 1972, in violation of the Scope Rule of the Signalmen's Agreement.,

| <u>Employe</u> | <u>Classification</u> | <u>S.T. Rate of Pay</u> |
|---------------------|-----------------------|--------------------------|
| C. L. Kemp | Foreman | \$1129.40 per mo. |
| A. J. Latiolais | Signalman | 5.27 per hr. |
| A. F. Newman | Assistant | 4.49 per hr. |

/General Chairman's file: M 206. Carrier's file: D **225-623/**

OPINION OF BOARD: In Award No. 20532 the Board dismissed a claim which alleged a violation of the Scope rule because Carrier utilized electricians rather than signal employees to install meter Loops. The Board dismissed that claim because the Organization failed, in the record before the Board, to sustain its burden of proof. The same situation prevails here. The Organization has not met its burden of proof and the claim must be dismissed.

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

That the Claim must be dismissed.

Award **Number** 20750
Docket Number SG-20682

Page 2

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 20th day of June 1975.