

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20780
Docket Number SG-20680

William M. **Edgett**, Referee

(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(Kansas City Terminal Railway Company

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood
of Railroad Signalmen on the Kansas City Terminal
Railway Company:

On behalf of Signal Maintainers R. Norman and D. E. Eatherton
for four hours pay each at the regular rate for October 20, 1972, account
officials trying to correct a power failure without calling any signal
maintainers on duty or on the Call List.

/Carrier file: SG-2.73.22/

OPINION OF BOARD: Carrier leases a building to Kelly-Hill and provides
them with electrical power which is fed from a small
building on the property known as a fan house. The fan house contains
several oil switches which control the power feeding from it. On the
date of claim, Kelly-Hill notified the office of the Signal and **Communi-**
cation Engineer that a power failure had occurred in their building.

Carrier's Signal and **Communication** Engineer and its Signal
and **Communication** Supervisor, went to the fan house. They observed that
an **oil switch** had burned out and determined that work to correct the power
failure could be postponed until the following Monday. On that date and
on the following day a signal gang corrected the power failure.

Running through this claim is the contention that the super-
visors **who** went to the site did not go to make a supervisory inspection
but actually went to determine the cause and to make a repair. The bur-
den of proving that contention falls on the Employees, who made it. The
record, even under the most favorable reading, does not contain facts
which would permit the Board to conclude that the activity of the two
supervisors went beyond **permissible supervisory** inspection. Accordingly
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 **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 **must** be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A.W. Paulsen
Executive Secretary

Dated at Chicago, Illinois, this **31st** day of **July** 1975.