

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20812
Docket Number SG-20705

Joseph A. Sickles, Referee

(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(J. F. Nash and R. C. Haldeman, Trustees of the
(Property of Lehigh Valley Railroad Company, Debtor

STATEMENT OF CLAIM: Claim of the General **Committee** of the Brotherhood of
Railroad Signalmen on the Lehigh Valley Railroad **Company:**

On behalf of Signal Foreman Donald E. **Allardyce** for twelve hours' pay for September 16, 1972, and five hours' pay for September 17, 1972, at \$0.28 per hour, account not called to supervise **two** Signalmen from **his** construction gang who were called to work at derailment at East End of **Coxton** Interlocking Plant on those days.

OPINION OF BOARD: On September 16, 1972, Carrier called a Signal Maintainer to **make** signal repairs caused by a derailment. Thereafter, **two** Signalmen were called to assist him.

Claimant asserts that the Agreement was violated because a Signal Foreman was not used, citing Article I, Section **1:**

"SIGNAL **FOREMAN** - an **employee** assigned to the duties of supervising the work of signal construction gang."

Although the record contains certain references to an "emergency", we feel it unnecessary to pursue that concept in this dispute.

As we read the cited rule, we fail to note a requirement for use of a Signal Foreman under the circumstances presented here, and Claimant has not demonstrated that need. We do not find that a construction gang was utilized. Rather, a Signal Maintainer was performing certain duties and **two** signalmen were assisting him. The Classification Rule at issue does not suggest to us that, under those circumstances, it was necessary to call a Signal Foreman.

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;

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That this Division of the Adjustment Board **has** jurisdiction over the dispute involved herein; and

That the **Agreement** **was** not violated.

A W A R D

Claim denied.

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

ATTEST:

G.W. Paulson
Executive Secretary

Dated at Chicago, **Illinois**, this 29th **day** of August 1975.