

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20908
Docket Number SC-20955

William M, Edgett, Referee

(Brotherhood of Railroad Signalmen

PARTIES TO DISPUTE: (

(Chicago and North Western Transportation Company

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Chicago and North Western Transportation Company:

(a) Carrier violated the current Agreement between the Brotherhood of Railroad Signalmen and the Chicago North Western Transportation Company, especially that part contained in Circular Letter No. 1380 referring to ICC Signal Inspection when it required signal maintainers to make various tests, inspections and records normally made by Leading **Signalmen** on test crew while test **crew** was engaged in crossing protection construction.

(b) 'Carrier should **now** be required to compensate the holders of Ldr. Signalmen and signalmen on the test crew at their respective punitive rates of pay for all time spent 60 **days** prior to Sept. 3, 1973 and continuing as long as this signal testing is required to be performed by signal maintainers and test men are engaged in other duties. This claim to cover all time spent by signal maintainer **making** regular signal relay or **meggering tests** performed by test **crew** since their establishment July 19, 1940. **Carrier's** file: 79-g-1541

OPINION OF BOARD: The Petitioner's statement that the Carrier caused the work in dispute to be performed in the manner alleged is not denied. However, it is not shown that such performance occurred **within** the time period covered by the **claim**. Hence, the claim is hypothetical and we do not decide such questions. Awards 14409, 16441, 20522.

The claim will 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;

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

That an Agreement violation has not been shown.

A W A R D

Claim dismissed,

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulson
Executive Secretary

Dated at Chicago, Illinois, this 16th day of January 1976.