

NATIONAL RAILROAD **ADJUSTMENT** BOARD

THIRD DIVISION

Award Number 21417
Docket Number SG-21540

David C. **Randles**, Referee

PARTIES TO DISPUTE: ((Brotherhood of Railroad Signalmen
(Southern Pacific Transportation Company
(Pacific Lines)

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Southern Pacific Transportation Company that:

(a) the Southern Pacific Transportation Company violated the Agreement between the Company and its **employees** in the Signal Department represented by the Brotherhood of Railroad Signalmen, particularly the Scope rule, effective October 1, 1973.

(b) Mr. A. C. Chan and Mr. C. K. **Magnes** be allowed compensation for two (2) hours and **forty** (40) minutes each **at** their overtime rate for September 30, 1974. /Carrier file: SIG 152-3417

OPINION OF BOARD: The sole issue before the Board in this case concerns the damages properly allowable for the incident involved. Rule 72 of the parties' Agreement lays down a **rule** of damages **that** is binding upon all concerned, and Claimants have failed to prove that they are entitled to any additional compensation under that rule; therefore, the claim must be denied.

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 Agreement was not violated.

A W A R D

Claim denied.

By A. W. Pauls Order of **Third Division**
ATTEST: Executive Secretary

Dated at Chicago, Illinois, this **18th** day of February 1977.