

NATIONAL RAILROAD **ADJUSTMENT** BOARD

THIRD DIVISION

Award **Number** 21422
Docket Number SG-21330

Nicholas **H. Zumas**, Referee

(Brotherhood of Railroad Signalmen

PARTIES TO DISPUTE: (

(The Western Pacific Railroad Company

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of
Railroad Signalmen on the Western Pacific **Railroad**
Company:

(a) The Western Pacific Railroad Company violated the Agreement between the Company and its Employees, represented by the Brotherhood of Railroad Signalmen, **effective** September 1, 1949 (Reprinted July 1, 1961) and including revisions, particularly **Rule** 26 and all rules dealing with Seniority and Seniority Rights.

(b) Mr. M. Mooney be allowed nine (9) hours compensation at his overtime rate **for April 30**, 1974, account Junior **Employee** called to perform overtime work. **[Carrier's file: D - Case No. 9817-1974-BRS/**

OPINION OF BOARD: The Organization's reliance on Rule 26, in this instance, is misplaced. The rule is limited to, and only pertains to, members of a "gang." Claimant herein was an assigned TCS Maintainer with maintenance responsibilities over a designated district. Neither he nor the other **employees** involved were members of a "gang" to **whom** Rule 26 applies. Accordingly, **Rule** 26 has no application to the facts of the instant **claim**. See Third Division Awards No. 18367 and 19920.

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.

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

ATTEST: 

Executive Secretary

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