

NATIONAL RAILROAD **ADJUSTMENT** BOARD

THIRD DIVISION

Award Number 21423
Docket Number SG-21381

Nicholas **H. Zumas**, Referee

PARTIES TO DISPUTE: (Brotherhood of **Railroad Signalmen**
(Southern Railway Company)

STATEMENT OF CLAIM: Claim of the General **Committee** of the Brotherhood of Railroad Signalmen on the Southern Railway Company et al:

On behalf of Signal Maintainer J. F. Shankles, **Brosnan** Yard, for two **minimum** call payments account **Maintainer Naylor** being called and **used** to clear **signal trouble** at **3:30 a.m.** July 20, 1974, and at **5:50 a.m.** July 25, 1974. **[Carrier file: SG-597]**

OPINION OF BOARD: The Organization, on behalf of Claimant, makes a claim for two **minimum** call payments because another **employee** was called and used to clear signal trouble on two separate claim dates. 1

Carrier asserts that **Claimant** was called by telephone on the two dates involved but he failed to answer the telephone. The Claimant **con-** tends that he was at **home** and available but the telephone calls from Carrier never came. 2

Obviously, **at this** level, the Board has no way of **resolving evi-** dentiary conflicts. We have neither the authority **nor** the competence to resolve such conflicts in the evidence of **record**. On the state of this record, the Board has no alternative but to dismiss the claim. 3

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.

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Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTFST:

A. W. Pauls
Executive Secretary

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

