

. NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number **21481**
Docket Number SG-21263

James C. **McBrearty**, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(The Washington Terminal Company

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on The Washington Terminal Company:

On behalf of A. L. Watkins and C. S. Rhodes on an equal basis for P.C. RR telephone men working on telephone cable at K Tower on May **29, 1974** between **10:00** a.m. and **1:00** p.m.

(Carrier file: Claim BRS-74-2)

OPINION OF BOARD: The central question in the instant case is whether or not the employees have shown that the work performed was with the knowledge and consent of Washington Terminal Company.

A careful review of the entire record, as well as the arguments of the parties, reveals that the Washington Terminal Company neither knew of, nor consented to, the work performed by **PCRR** telephone men at K Tower.

We have previously held (Awards **12907**, **7793** and **4992**) that voluntary service, absent direction and authority to perform such service, cannot be asserted to support a claim. Under the circumstances, therefore, we have no alternative but to deny the claim.

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

Award Number 21481
Docket Number SG-21263

Page 2

That the Agreement was not violated.

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Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: *A. W. Paulos*
Executive Secretary

Dated at Chicago, Illinois, this 31st day of March 1977.

