

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21493
Docket Number SG-21346

Irwin M. Lieberman, 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:

(a) The Southern Pacific Transportation Company violated or misapplied the Agreement between the Company and its employees in the Signal Department, represented by the Brotherhood of Railroad Signalmen effective October 1, 1973, and particularly Rule 72.

(b) Mr. Blackmon be reimbursed the amount of One Dollar (\$1.00), the amount charged by the Bank of America (Firebaugh Branch) to cash his pay roll check. [Carrier's file: SIG 129-9]

OPINION OF BOARD: The dispute herein involves a \$1.00 check cashing charge incurred by Claimant when he cashed his paycheck at a Bank of America branch at which he did not have an account.

Petitioner bases its position on the provisions of Rule 77 which contains the rates of pay. It is argued that Claimant was entitled to the exact amount of cash, in United States currency, which was provided for in the Agreement.

Carrier argues that this unique claim is deficient in a number of respects: Claimant accepted the check as lawful payment in the first instance; the check cashing charge was incurred voluntarily by Claimant since he had a number of options available to him; past practice is totally inconsistent with the Claim; and the Claim is lacking in Agreement support.

It is interesting to note that the check in question was drawn on the very bank which Claimant chose to obtain the cash. That there were other options available to Claimant is apparent, particularly since Petitioner refers to a number of viable alternatives in its submission and rebuttal statements. Claimant's position taxes our credulity in view of the long history of pay checks both with this Carrier and throughout industry in this country. However, without dwelling on past practice or the other implications of this Claim, the simple fact is that there is no rule support for Petitioner's position. 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.

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

ATTEST: *A. W. Paulsen*
Executive Secretary

Dated at Chicago, Illinois, this 15th day of April 1977.

