

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21605

Docket Number SG-21532

Robert J. Ables, Referee

(Brotherhood of Railroad Signalmen

PARTIES TO DISPUTE: (

(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 the senior Assistant Signalman in Signal Gang #3 for the difference between the rate of Assistant Signalman and the rate of Signalman, retroactive for a period of sixty days from October 29, 1974, and continuing thereafter as long as the *temporary signalman* position is left open on. Signal Gang #3 in violation of **paragraph 2** of the System Signal Gang Agreement. /Carrier's file: SG-74/

OPINION OF BOARD: The facts and circumstances in this case are the same as those considered in Award 21604 which were argued and considered at the same time as this dispute, except that claimant in this case has not alleged that the Carrier violated Rule 30 of the Agreement.

On the authority of that decision, it is found that the Carrier violated **the** System Signal Gang Agreement **of** May 1, 1974 and that claimant shall be paid at the signalman's rate as claimed until January 2, 1975, the day the regular signalman returned to his signalman's position in the gang in issue.

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 violated.

Award Number 21605
Docket Number SG-21532

Page 2

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Claim sustained. Back pay in accordance with the opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 29th day of July 1977.

