

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22230
Docket Number SG-22277

Abraham Weiss, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad **Signalmen**
(Missouri Pacific Railroad Company
((Formerly The Texas and Pacific Railway Company)

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the **former** Texas and Pacific Railway Company:

On behalf of Signal Maintainer M. F. Eubanks, Shreveport, Louisiana, for an additional payment of 2.7 hours at time and one-half the Signalman's straight time hourly rate of \$6.95 per hour, account required to cut trees and brush to clear **signal** line trouble, outside working hours, **on** Saturday, May 8, 1976." **/Carrier** file: K 315-130/

OPINION OF BOARD: The **employees** rely primarily on a letter of understanding dated December 22, 1969, carrying the signature of the Carrier's Superintendent, Signals and **Communications**, Award No. 20979 based on **that** letter, and Awards Nos. 20980 and 21568 which cite 20979 with approval.

The cited Awards recognized that the December 22, 1969 letter was not a surrender by management of any of its prerogatives, but rather that so long as that letter remained in effect, its terms were controlling. The letter was withdrawn on March 15, 1976, prior to the instance here complained of; hence, the letter was no longer controlling and neither it nor the Awards rendered during its effective period are c&trolling.

Therefore, and since the Petitioner has cited no other basis for a sustaining award, we **must** deny this 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 **Employes** involved in **this** dispute are respectively Carrier and **Employes** 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. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 15th day of **November 1978**.

