

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award **Number** 22403  
Docket **Number** SG-22321

Abraham Weiss, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen  
(Atlanta and West Point Railroad **Company-**  
( The Western Railway Of Alabama  
( Georgia Railroad

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Atlanta and West Point Railroad Company - The Western Railway of Alabama:

On behalf of Telephone **Maintainer** F. L. Thigpen, headquarters Atlanta, Ga., for nine hours' overtime pay account Carrier using Telephone Maintainer Roy **Newsome**, headquarters Montgomery, Ala., to clear telephone trouble on claimant's territory July 5, 1976, **7:30** a.m. to **4:30** p.m."

OPINION OF BOARD: A malfunction occurred on Claimant's territory on July 5, 1976. There is no question the Claimant was entitled to be called. 1

The Carrier asserts Claimant was called twice and the Claimant was **not** at home. The Claimant asserts, in response, that he was home and available. 2

The Board is without a vehicle to resolve this conflict in evidence and the claim **must** be dismissed for lack of proof. 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

Award **Number** 22403  
Docket Number SG-22321

Page 2

That the claim be dismissed.

A W A R D

Claim dismissed.

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

ATTEST:

*A. W. Pauls*  
Executive Secretary

Dated at Chicago, Illinois, this 16th day of May 1979.

