

RATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22510  
Docket Number SG-21959

James F. Searce, Referee

PARTIES TO DISPUTE: { **Brotherhood of Railroad Signalmen**  
{ **The Atchison, Topeka and Santa Fe**  
{ **Railway Company**

STATEMENT OF CLAIM: "Claim of the **General** Committee of the Brotherhood of Railroad **Signalmen** on the Atchison, Topeka and **Santa Fe Railway Company**:

General Chairman file: 077. Carrier file: 14-1940-160.2-4

(A) Carrier violated **Signalmen's** Agreement, Article I, Section II, when it required **Signal** Inspector, O. L. carter, to **carry** **LCS** unit to Snyder, Texas to avoid **paying Slaton** maintainer a four hour call.

(B) **Carrier** should pay **Signal** Maintainer, G. R. **Angerer, Slaton**, Texas **additional** time equal to a four hour call because of loss of work opportunity and/or as a consequence of the violation."

OPINION OF BOARD: The Claimant, a Signal **Maintainer** in Carrier's service at **Slaton**, Texas, **claims** that the **Carrier** violated its Agreement with the Petitioner in having its Signal Inspector (an Agreement-covered **employee**) transport signal material for a repair job. The material was moved from Carrier's facilities at Slaton to **Pyron**, Texas. /

Throughout handling on the property, the **claim** was progressed on the contention that the Carrier violated Agreement Article I, Section 2; there is nothing in this provision which prohibits the Carrier's conduct here in question. 2

In apparent **recognition that** Article I, Section 2 does not support **the claim**, the Petitioner, in **submitting** to this Board, relied **upon** Article II, Section 11-(a)-2. The Carrier points out that such argument was not handled **on the property**, and correctly **maintains** that it **cannot now be** considered by us. **Consequently**, we make no decision regarding Article II) 3

The **claim** must be dismissed.

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 Claim must be dismissed.**

A W A R D

Claim **dismissed**.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: *G. W. Pauler*  
Executive Secretary

Dated at Chicago, Illinois, this 17th day of September 1979.