

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22801  
Docket Number SG-22776

George E. **Larney**, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen  
(Louisville and Nashville Railroad Company

STATEMENT OF CLAIM: "**Claim** of the General **Committee** of the Brotherhood of Railroad Signalmen on the Louisville and Nashville Railroad Company>

On behalf of Signal Maintainer E. E. Gaines (the senior signal maintainer on seniority district No. 2) for six hours at time and one-half rate account a **Foreman** called to perform maintainers work in violation of the Signalmen's Agreement Rules 3 and 52(c)."

/Carrier file: G-265-4 **G-2657**

OPINION OF BOARD: The claim before us was initiated by the **Local Chairman** on behalf of E. E. Gaines, Senior Signal Maintainer assigned to Carrier's seniority District No. 2 located in Eastern Kentucky. The Organization alleges **that the** Carrier violated Rules 3 and 52(c) of the Signalman's Agreement, when on Sunday, June 19, 1977, Carrier failed to call the Claimant to work on signal trouble and instead utilized the service of a Signal Foreman.

Upon a thorough review and examination of the record, the Board determines it cannot render an Award on the merits of the instant case because the Local **Chairman** who initiated the claim has advanced the Organization's position based on the wrong agreement rules. Clearly, under the surrounding circumstances of the instant situation, **Rules** 3 and 52(c) bear no relation to the claim at hand. In support of this judgment we note that in the reply brief filed by the President of **the Organization**, the relevant **Rules**, 18 and 23 are cited as the basis for argument, with brief reference to **Rule** 3 and no reference to Rule 52(c).

It is critically important for those advancing a claim to do so based on relevant rules and employing appropriate argument.

**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 claim be dismissed.

A W A R D

Claim dismissed.

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

ATTEST:

*A.W. Paulos*  
Executive Secretary

Dated at Chicago, Illinois, this **31st** day of March 1980.

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CHICAGO, ILL.