

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23274
Docket Number SG-23197

George S. Roukis, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(Southern Railway Company

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Southern Railway Company et al:

Claim on behalf of T. D. Sandlin for meal expense above the \$9.00 limit carrier placed on daily meal allowance."

(General Chairman file: SR-79) (Carrier file: SG-355)

OPINION OF BOARD: In this dispute Claimant contends that the \$9.00 per day limit placed on meals by Carrier is unreasonable and violative of Rule 41. He argues that Rule 41 provides that gang employees will be allowed their actual necessary expenses when they do not return to the camp cars for meals. Contrary to Carrier's position that Arbitration Board No. 298 is applicable herein, Claimant asserts that Rule 41 predates this Award.

In our review of this case, we agree with Carrier's position. Our decision is predicated upon our recent determination in Third Division Award 23190. In that Award involving the same Organization and the same issue, we held in pertinent part that:

"Although the Employees urge that there was not such agreement, we find no specific evidence to substantiate that urging and, in fact, there is certain evidence to the contrary, such as the wording of Question 21, as submitted to Board 298 for interpretation."

Finally, we have noted the decision in Public Law Board No. 2004. It is not incumbent upon us to base our determination on the decision which we might have rendered had we heard that case in the first instance. The fact remains that it has a precedential value here, absent a determination that it is palpably erroneous. We are unable to reach such a determination and, thus, we do not find that the Employees have submitted a sufficient showing to compel us to find that the applicable provisions of Board 298 do not apply in this instance. Such being the case,

"we are unable to find a showing that any rule has been violated in this instance, and we will dismiss the claim."

We find this holding directly on point with the facts of this case. We will deny the claim.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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 not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulson
Executive Secretary

Dated at Chicago, Illinois, this 30th day of April 1981.