

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23908
Docket Number SG-23184

Martin F. Scheinman, 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 the following signal **employees** for meal expenses they incurred over the **\$9.00** daily maximum **meal** allowance arbitrarily set by the Carrier.

Claim No. 1. **Signalman** S. A. Thornton - General Chairman file: **SR-78**
Carrier file: SG-354.

Claim No. 2. **Signalman** R. C. Butts - General **Chairman** file: **SR-76**
Carrier file: SG-356.

Claim No. 3. **Signalman** W. C. Burgess - General **Chairman** file: **SR-73**
Carrier file: SG-357.

Claim No. **4.** **Signalman** W. M. Robinson - General Chairman file: **SR-72**
Carrier file: SG-358."

OPINION OF BOARD: This **case** involves the Organization's claim **for** meal expenses for several employees in excess of the \$9.00 daily **maximum** meal allowance set forth by Carrier. The Organization asserts that employees are entitled, pursuant to Rule **12b**, to receive "actual necessary expenses". It insists that Carrier had no right to unilaterally establish the \$9.00 ceiling for expenses. **In** the Organization's view, employees **are** entitled to receive "true, real or genuine expenses" incurred.

Rule **12b** states, **in** pertinent fact:

"**12b Employees** covered by this **agreement** will be paid actual necessary expenses for meals on each day which the employee renders compensated service. Receipts **for** meals will not **ordinarily** be required."

This precise issue, involving these same parties, was decided by this **Board** in Award **23190**. **There**, we determined that Carrier's **imposition** of a \$9.00 **maximum** did not constitute a violation of the Agreement.

Nothing presented here convinces us that **our decision** there was palpably erroneous. In the absence of such proof, consistent with the **time** honored rule of stare **decisis**, we will dismiss the claim in its entirety.

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.

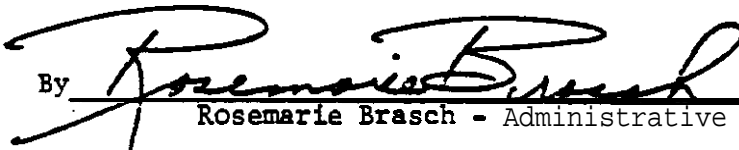
A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Acting Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, **Illinois**, this 8th **day** of June **1982**.

