

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24052
Docket Number SG-'24341

Tedford E. Schoonover, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad **Signalmen**
(**Norfolk** and Western Railway Company

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad **Signalmen** on the Norfolk & Western Railway Company:

On behalf of Assistant **Signalman J. C. Norton, Signal Gang #2**, for the difference (\$1.00 per hour) between the Assistant Signalman and Signal Maintainer **rates** of pay for January 18, 21, 22, 23, 24, 25, 28, 29, 30, 31, February 1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, & 22, 1980, for a total of \$208.00, account temporary Signal Maintainer position at Claypool, Indiana, not bulletined and assigned in accordance with Rules 505(a) and 505(d) of the current Signalmen's Agreement."

OPINION OF BOARD: Here we have a claim on behalf of an Assistant **Signalman** for the difference in pay between his rate of pay and that of a Signal Maintainer alleging that if the Carrier had bulletined a vacant position at an earlier date than they actually did, Claimant could have been used to fill the vacancy pending assignment.

We have carefully **reviewed** the entire record in this case and have considered all of the **arguments** advanced by the parties. We are, however, unable to find in the record that Petitioner has supported their allegations with probative evidence of a Rule violation by Carrier. As was said in Award No. 20290 (Sickles): "*** in order to prevail the **moving** party must establish its **claim** by a preponderance of probative evidence".

Given the paucity of evidence addressed by Petitioner **in** this case, we have no alternative but to conclude that the record does not support the claim as presented. We **must, therefore,** deny the claim as presented.

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 Agreement was not violated.

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Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Acting Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 29th day Of November 1982.

