

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24244
Docket Number SG-23922

Carlton R. Sickles, Referee

PARTIES TO DISPUTE: {Brotherhood of Railroad Signalmen
{Soo Line Railroad Company

STATEMENT OF CLAIM: "Claim Of the General Committee of the Brotherhood of Railroad Signalmen on the Soo Line Railroad Company:

On behalf of Signal Foreman G. Otterson and Signalman D. Barse for two hours at the punitive rate for September 20, 1979, and for G. Otterson, D. Barse, and T. Jones for three hours at the punitive rate for December 11, 1979, account signal work performed by a Signal Supervisor after he released the Claimants to keep from violating the Hours of Service Act." (Carrier file: 900-46-B-122)

OPINION OF BOARD: Claimants allege that on two occasions signal work was performed by a signal supervisor after he released the claimants. A review of the entire record fails to indicate that the Claimants have satisfied their burden of proof to establish that the work performed by the supervisor was other than testing or that any work performed by the supervisor was reserved exclusively to signalmen. There does not appear to be any tangible evidence that the supervisor did any wire changing or that the tests which he performed were reserved to other than supervisors.

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.

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*
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this **14th** day of **March 1983**.

