NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24377
Docket Number SG-24309

Joseph A. Sickles, Referee

PARTIES TO DEPUTE: (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.:

(a) Carrier violated the provisions of Rule 37, effective May 1, 1974, revised August 7, 1974, of the Signalmen's Agreement, when they failed or refused to call Signal Maintainer D. A. Green who was being held for call on June 14 and 15, 1980 to repair a signal failure on Signal Maintainer Johnson's territory which joins Signal Maintainer Green's territory on the south end. Carrier oalled Signal Maintainer R. E. Gowdy who was on vacation and not held for call on June 15, 1980 at 7 PM to repair the signal trouble.

(b) Carrier should now be required to compensate Signal Maintainer D. A. Green an amount equal to tvo (2) hours and forty (40) minutes at his overtime rate of pay on June 15, 1980, because of this loss of work opportunity and because the Agreement was violated."

(General Chairman File No. SR-184 Carrier File No. SG-467)

OPINION OF BOARD: The Claimant in this dispute is a Signal Maintainer and he asserts that on the pertinent date he was "being held for call on his own territory and adjacent territories." Nonetheless, the Carrier called to duty another Signal Maintainer who was on vacation at the time, and the Organization asserts a violation of Rule 37.

The Carrier has responded that the difficulty occurred at a location which was beyond the area for which the Claimant was held subject to call and that there was no requirement under the Agreement that he be contacted and offered the work. In fact, the Carrier maintains that the territory involved was immediately adjacent to the Claimant's territory and was assigned to a different individual.

We are unable to find anything in the record which compels the conclusion that this Claimant had a contractual right to be called and utilized on the day in question and accordingly 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 Employes involved in this dispute are respectively Carrier and Employes within the waning 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 13th day of May 1983.