

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24733
Docket Number SG-24644

Ida Klaus, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(Missouri Pacific Railroad Company (T&P)

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the former Texas and Pacific Railroad Company:

On behalf of Signalmen G. L. Megason and J. L. Lowrance for seven hours at one-half **their** straight time rate of pay account required to work on November 17, 1980, or part of the Missouri Pacific Railroad not covered by the T&P Signalmen's Agreement. [Carrier file: K 315-213]

OPINION OF BOARD: The claim seeks a penalty payment at additional half time for signalmen who were sent to perform work outside their assigned territory. The claim is based on two contentions: (1) that the work was not covered by the Signalmen's Agreement applicable to the claimants; and (2) that it was past practice to allow additional half time for work off **an** assigned seniority district.

The **Carrier.cites** Award No.21182 as precedent for rejection of the claim.

Award No.21182, rendered by this Third Division, arose on this property on substantially similar facts and under the same agreement as that now before us. Identical contentions have been made in both cases. In Award No. 21182 we held; that no agreement rule prohibited the use of a signalman for scope work outside his seniority district or off property; and that no **system-**wide practice of payment of the penalty claimed had been shown to exist.

The Organization urges that the cited Award is not applicable to the subject claim because there is specific record evidence here of the existence of the claimed practice.

The Board does not see from the evidence now before us a controlling distinction between this claim and that made in the other Award. Here, as there, the Organization has failed to establish the existence of a system-wide practice of the kind asserted to support its claim. An isolated experience in the special situation referred to by the Organization is clearly insufficient to give rise to a system-wide custom. Award No. 21182 accordingly is dispositive of this claim. The claim will be denied.

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

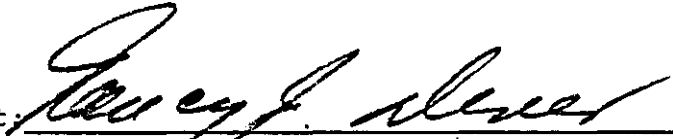
That the Agreement was not violated.

A W A R D

Claim Denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 30th day of March, 1984

