

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award **Number** 25052  
**Docket** Number SG-25161

John F. Cloney, Referee

**PARTIES TO DISPUTE:**

(Brotherhood of Railroad Signalmen  
(  
(Consolidated Rail Corporation

**STATEMENT OF CLAIM:**

"Claims of the General Committee of the Brotherhood of Railroad Signaimen on the Consolidated Rail Corporation:

Claim No. 1, System Docket 1630

On behalf of Cecil R. **Fitzsimmons**, who was suspended (7 days reduced to 3), and reduced to Helper for six months, **that** the discipline be removed from his record and he be paid for the three-day suspension served on April 13, 14 and 15, 1981, and that he be paid the difference between the Foreman and Helper rate of pay for each work day March 9, 1981, through July **15**, 1981.

Claim No. 2, System Docket 1631

On behalf of T. D. **Ankrom**, who was suspended (7 days reduced to 31, that he be paid for all time lost as a result of this discipline."

**OPINON OF BOARD:** The Claimants in this dispute, a Signal Foreman and a Signal Maintainer. were charged by the respondent Carrier **with** and found responsible for, the faulty maintenance of a signal facility under their care.

The petitioning Organization contends that the Carrier failed to meet its burden of proof and that, in the case of the Foreman, he was worked in higher classifications while he was reduced to and being paid the rate of a Signal Helper.

We find the evidence of record sufficient to support the Carrier's findings and the assessment of discipline in the degree imposed. With regard to the alleged use of the Foreman in his higher class while temporarily reduced, we can only comment that this dispute was **handled** on the property as an appeal from the severity of the discipline imposed and not as a violation of the Agreement provisions governing rates of pay. Accordingly, we cannot act on that complaint.

**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 4th day of October 1984.