

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25067
Docket Number SG-24930

I. M. Lieberman, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(Missouri Pacific Railroad Company (former Texas and Pacific
(Lines)

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of
Railroad Signalmen on the Missouri Pacific Railroad Company
(former Texas and Pacific Lines):

Claim No. 1

Claim on behalf of Electronic Technician B. J. Lockley for six (6)
hours on October 31, 1981, and eight (8) hours on November 1, 1981, at one-half
his straight time hourly rate of \$2394.19 per month, account this amount deducted
from his timeroll. (Carrier file No. K 315-219)

Claim No. 2

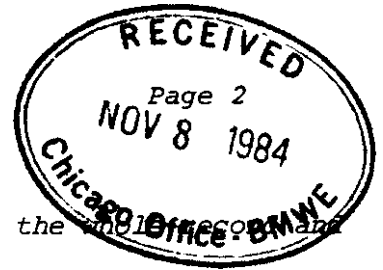
Claim on behalf of Electronic Technician B. J. Lockley for six (6)
hours on December 14, 1981, and eight (8) hours on December 15, 1981, at one-
half his straight time hourly rate of \$2394.19 per month." (Carrier file No. K
315-231)

OPINION OF BOARD: The claims herein involve work performed on Saturday and
Sunday, Oct. 31 and Nov. 1, 1981 on the Oklahoma Sub-
division of Carrier. The second claim is identical but for the dates which
were in December of 1981.

In its submission, Petitioner argues that the work mandated the
payment of overtime since it was work on Saturday and Sunday and also off
Claimant's assigned territory. Initially it must be noted that the arguments
pertaining to the overtime pay required on Saturday and Sunday were not raised
by Petitioner during the handling of this matter on the property. It is clear
and undisputable that new issues may not be considered when raised for the
first time in presentations to this Board. For that reason there will be no
consideration of the arguments relative to Saturday and Sunday work.

An analysis of the problem of work "off territory" reveals that there
is no rule support for Claimant's position and indeed no factual basis for the
Claim. First the record indicates that Claimant's assignment embraced the
entire former TP territory; further, the particular area in Oklahoma referred
to in this Claim was part of a Carrier which had been purchased by the TP prior
to the merger of the TP into the Missouri Pacific (the Carrier herein). For
these reasons there is no evidence that Claimant was even assigned off of his
territory. The conclusion must be that the Claim does not have merit.

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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

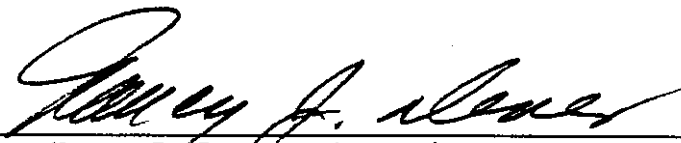
That the Agreement was not violated.

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.