

The Third Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(Consolidated Rail Corporation

STATEMENT OF CLAIM: "Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Consolidated Rail Corporation (CONRAIL):

On behalf of M. J. Houston for 3 hours pay at his punitive rate of pay account of Carrier violated APPENDIX 'P', when on July 27, 1985, it called J. W. Murphy to assist in the repair of a switch on the Avon Maintainer territory. SD 2248."

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

On Saturday, July 27, 1985, a Foreman was called in to work at 12 Noon. According to the Carrier, he performed "foreman duties . . . in connection with the repairs of a switch." The regular first Trick Maintainer was also on duty at this time.

The Claimant herein, a regularly assigned Maintainer, reported for his scheduled assignment commencing at 3 P.M. It is the Claimant's contention that the Foreman performed Maintainer duties during the period from 12 Noon to 3 P.M., and the Claimant argues that he should have been called in for this work.

There is reference in the record alleging that the Foreman performed and/or assisted in the "removal of a draw rod." Whether this occurred before or after 3 P.M. is not clearly indicated. In any event, the claim fails to indicate what duties in the Maintainer classification were allegedly performed by the Foreman during the period of time for which the Claimant seeks pay, other than possibly this single task. On this basis, the Board finds insufficient evidence to support the claim.

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88-3-86-3-790

Reference to an outdated call list is thus not significant.

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 16th day of December 1988.