

The Third Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

PARTIES TO DISPUTE: (M. L. Foster
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(Consolidated Rail Corporation

STATEMENT OF CLAIM:

"On behalf of myself, M. L. Foster, for 8 hours pay at my punitive rate of pay, account of Carrier violated the current Signalmen's Agreement, as amended, particularly rule 5-A--1(H) and appendix 'P' when it failed to call me for overtime service at 31 E. Georgia St. on January 6 and 7, 1988. Carrier file SD-2516."

FINDINGS:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees 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.

At the time of this Claim, the Claimant was a regular employee headquartered at the Carrier's Avon Yard, Indiana. He claims overtime work performed by another Electronic Specialist at the Carrier's 31 East George St., Indianapolis facility.

The evidence, properly developed on the property (to which the Board is restricted in its deliberations), leads us to conclude that the Claim must be denied. In this respect, the Board particularly notes the Carrier's denial letters May 6, 1988 and October 3, 1988. The substance of these was not effectively rebutted by the Claimant and, therefore, these stand as fact.

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 October 1990.