

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

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(Southern Pacific Transportation Company (Western Lines)

STATEMENT OF CLAIM: "Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Southern Pacific Transportation Company (SPTC.WL):

Claim on behalf of T. W. Fogarty and G. J. Wees, for payment of thirteen (13) and ten (10) hours, respectively, at their respective punitive rates of pay, account of Carrier violated the current Signalmen's Agreement, when it allowed or permitted them to work more than 25% of the work load on vacationing Signal Maintainer's territory, during the week of June 13-17, 1988." Carrier file SIG-181-42. BRS File Case No. 7900-SPTC.WL.

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.

Third Division Award 28630 addressed the same facts as in this case. Award 28630 awarded compensation to the Claimant in that case. The only difference in this Claim is that the Claimants here are the ones who actually performed the work at issue in Award 28630. Accordingly, this is a settled matter for which more compensation would not be appropriate under the Agreement.

A W A R D

Claim denied.

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Award No. 29212
Docket No. SG-29382
92-3-90-3-399

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Decker - Executive Secretary

Dated at Chicago, Illinois, this 7th day of May 1992.