

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 29271
Docket No. SG-29362
92-3-90-3-273

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
(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):

Claim on behalf of V. P. Martell, for payment of 3 hours pay at his punitive rate of pay, account Carrier violated the current Signalmen's Agreement, as amended, particularly, the Scope Rule and APPENDIX 'P', paragraph No. 8, when it permitted or allowed an inspector to shunt track, remove wires and pick stick relays from 6:30 to 9:30 p.m., on April 20, 1989." Carrier file SG-96.

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.

The record reveals that on April 20, 1989, a Signal Inspector performed certain tasks from 6:30 P.M. to 9:30 P.M., mainly concerned with train speed checks. As best we can ascertain from the record developed on the property, the Claimant, who is a Signal Maintainer, contends that he should have been called for the work pursuant to the "Call Rule," Appendix "P" of the Agreement. The record does not disclose whether, in fact, the Carrier made a call. Accordingly, the "Call Rule" is not applicable.

With respect to question of whether the claimed work is exclusively reserved to the Claimant, we note that the Carrier, in its letter of October 16, 1989, relied upon Third Division Award 25546 to deny the claim on the basis that this is a similar dispute involving the same parties under the same Scope Rule.

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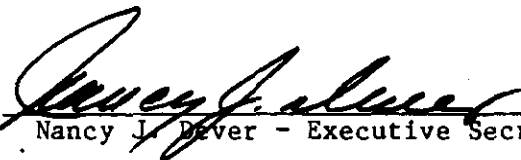
We agree with the Carrier and once again adhere to the principle of adhering to the decision reached by previous Awards. Moreover, we note that, while the Organization on the property argued that a past practice existed, which the Carrier denied, it did not provide any documentation to support its assertion on the property.

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 12th day of June 1992.