

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award No. 29554

Docket No. SG-30205

93-3-91-3-711

The Third Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(CSX Transportation, Inc. (former
(Louisville Nashville Railroad Company)

STATEMENT OF CLAIM:

"Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen:

Claim on behalf of B. B. Thomas, Jr., et al, for certain monies, account of Carrier violated the current Signalmen's Agreement, as amended, particularly, APPENDIX 'U', when it continues to fail to bring the headquarters of this Signal Crew, up to specifications set forth in the Agreement." Carrier's File No. 15 (91-07). GC File No. 90-176-07. BRS Case No. 8474-CSXT.L&N.

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 employe 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 Organization brings this matter before the Board on an allegation that Paragraph 13 of Appendix U to its Agreement was violated when Carrier failed to provide adequate locker and clean-up facilities for the signal crew working out of Patio Tower, Ravenna, Kentucky. The colored photographs submitted as evidence do indeed depict inadequate locker and clean-up facilities.

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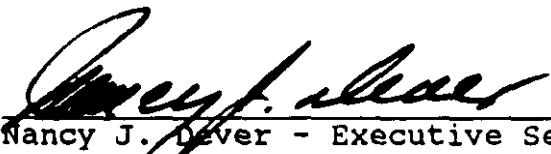
Carrier, however, maintains that those pictures were taken of a building which is no longer used as a Signal Department locker and clean-up facility. It points out that a new modern facility has replaced the old facility which has been demolished. Carrier also maintains that the Claim dealing with locker and clean-up facilities at this location had been withdrawn.

The record demonstrates that the facility involved in the complaint generating the instant claim was replaced with a new facility on June 14, 1991. The record also supports the notion that the original claim on this matter was indeed withdrawn. It seems, therefore, that this matter is moot.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: 
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 9th day of March 1993.