

Form 1 **RECEIVED** NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

JAN - 5 1995

Award No. 30623
Docket No. SG-30778
94-3-92-3-579

G. L. HART

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 and Nashville Railroad Company)

STATEMENT OF CLAIM:

"Claim on behalf of Assistant Signal Maintainer Mr. Ronald L. Stonecipher, ID Number 629826, Headquartered at Tilford Yard, Atlanta, GA., Atlanta Division, assigned territory, the coordinated Atlanta Terminal, Force Number 7A41.

(a) Carrier violated and continues to violate the current working agreement between the former Louisville and Nashville Railroad Company and its employees represented by the Brotherhood of Railroad Signalmen as amended, particularly Appendix "HH", when it fails to compensate Assistant Signalman R. L. Stonecipher the top rate of pay due to an assistant after completing and successfully passing all examinations that were required of him under the Signal Training agreement with Employees that are represented by the Brotherhood and CSX-T, Inc.

(b) The Carrier should now be required to compensate Assistant Signal Maintainer R. L. Stonecipher, the current top rate of Assistant Signal Maintainer, for each day of this violation, beginning sixty (60) days prior to the filing of this claim."

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 employee 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.

Sometime prior to December 3, 1990, Claimant was a furloughed Journeyman Signalman on a CSXT component property. In 1990 a need for signal employees developed on the lines of the former Louisville and Nashville Railroad Company. There were no furloughed Signalmen available under the Agreement covering that component of CSXT. Employment as new hires was offered to furloughed Signalmen on all railroads within the CSXT corporate family. Claimant was hired as a new employee on the former Louisville and Nashville Railroad Company on December 3, 1990. His claim before this Board seeks compensation at the top rate on the basis that he was a qualified Journeyman Signalman.

Carrier defends against the claim on the basis that the issues involved have been resolved in its favor in Third Division Award 28224. The Board has revisited Award 28224 and notes that the same arguments were raised there that are present here. We do not find Award 28224 to be in palpable error. Accordingly, it must be followed here.

AWARD

Claim denied.

O R D E R

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 28th day of December 1994.