

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

Award No. 32599  
Docket No. SG-33298  
98-3-96-3-790

The Third Division consisted of the regular members and in addition Referee Martin H. Malin when award was rendered.

**(Brotherhood of Railroad Signalmen**  
**PARTIES TO DISPUTE: (**  
**(CSX Transportation, Inc. (former Baltimore and**  
**( Ohio Railroad Company)**

**STATEMENT OF CLAIM:**

**"Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the CSX Transportation Company (B&O):**

**Claim on behalf of R.D. Elstun, T.L. Fessel, D.L. Martin, M.B. Reed, L.A. Yeager, and R.E. Prevo for payment of an amount equal to the hours worked by maintenance forces in the construction of a defect detector at Mile Post 86.3 on the Indianapolis Subdivision on April 19, 1995, account Carrier violated the current Signalmen's Agreement, particularly Agreement 15-18-94, when it used maintenance forces to perform construction work. Carrier's File No. 15(95-245). BRS File Case No. 10021-B&O."**

**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 were given due notice of hearing thereon.

The instant claim was filed on behalf of members of the System Signal Construction Gang, alleging that Carrier violated the Agreement when it used Signal Maintainers, instead of the Claimants, to install a defect detector. The Agreement, however, does not restrict Signal Maintainers from performing the work, nor does it otherwise reserve the work exclusively for members of the construction gang. Accordingly, the claim must be denied.

**AWARD**

Claim denied.

**ORDER**

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 22nd day of May 1998.