

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 33605
Docket No. SG-34609
99-3-98-3-120**

The Third Division consisted of the regular members and in addition Referee Robert L. Hicks when award was rendered.

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

Grievance on behalf of all covered employees assigned to the Cincinnati Terminal to require that the signal gangs at that location be restored to their previous assignments, account Carrier violated the current Signalmen’s Agreement, particularly the Cincinnati Terminal Agreement, when it abolished three maintenance gangs at the Cincinnati Terminal and combined the forces into one gang. Carrier’s File No. 6027-15. BRS File Case No. 10471-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.

From the outset, if the Organization is seeking a Board Award that would direct the Carrier to restore all affected employees to the signal gangs they had been assigned to prior to their abolishments, it will be disappointed. Regardless of the merits of its position, the relief sought is beyond the authority of the Board. Should the Organization's claim be sustained, how the Carrier reacts is its problem.

However, the Board has no intention of sustaining the claim. The Organization has not sustained its obligation to provide sufficient facts and evidence in this case. It merely cited the Cincinnati Terminal Agreement as having been violated. Thereafter, the Carrier advised that although the Organization alleged a violation of the Agreement, it had not designated just how the Terminal Agreement had been violated. The Organization then responded referencing a document it labeled as PROPOSED, which was nothing more than a listing of various jobs in the Terminal.

The Carrier responded indicating that there was nothing in the job listings to prevent the Carrier from reducing and/or realigning its workforce in the future based on service requirements.

The Board agrees. There is nothing before the Board that prevents the Carrier from doing what it has done.

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 16th day of November 1999.