

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 33952
Docket No. SG-35107
00-3-98-3-854**

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

**(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(Union Pacific Railroad Company (former Southern Pacific)**

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Union Pacific Railroad Co. (former Southern Pacific):

Claim on behalf of D.A. Cox, for payment of his expenses as submitted by him for the months of July and August of 1997, (a total of \$243.45) account Carrier violated the current Signalmen’s Agreement, particularly Rule 25, when it refused to reimburse the Claimant for his out of pocket expenses. Carrier’s File No. 1106723. General Chairman’s File No. SWGC-1594. BRS File Case No. 10855-SP.”

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 record shows that when Claimant submitted a reimbursement request for expenses, including expenses for noon meals, for July and August 1997, the manager

denied the claim citing that Claimant "... was not away from geographical area of office ..." Subsequently, although requested to resubmit the report, the Claimant filed the instant claim and the Organization argues that the Carrier violated Rules 2 and 25 which provide, respectively, that employees shall be reimbursed for actual necessary expenses "... while away from ... headquarters ..." and that in the event that the Carrier disputes any part of a request for reimbursement payment of undisputed amounts will be made.

An examination of the record before us fails to show the location at which the Claimant was when he incurred the expenses that were denied. Thus, we are unable to ascertain whether his geographic location was such that the denial was proper.

However, an examination of the Claimant's expense report shows that certain portions of his request were appropriate. Thus, under Rule 25 those amounts should have been paid. Unfortunately, the record before the Board is such that we are unable to determine the amount that is in order with any degree of certainty. The Board concludes therefore, that the dispute shall be remanded to the parties for a determination of the precise amount of expenses that were not denied and for payment of that amount to the Claimant in accordance with this Award.

AWARD

Claim sustained in accordance with the Findings.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an Award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 22nd day of February, 2000.