

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 35014
Docket No. SG-34389
00-3-98-3-21**

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

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

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Louisville & Nashville Railroad:

Claim on behalf of L. E. Davis for payment of 9.5 hours at the straight time rate and \$235.60 in travel expenses, and for re-establishment of District Signal Gang 7C17, account Carrier violated the current Signalmen’s Agreement, particularly Agreement No. 15-60-95, when it abolished Signal Gang 7C17 on July 25, 1996. Carrier also violated Rule 54 when it failed to provide notice of the disallowance of the Organization’s appeal within the time limits. General Chairman’s File No. 96-215-09. BRS File Case No. 10440-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 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.

In Third Division Award 35012 the Board denied a series of claims protesting the abolishment of District Signal Gang 7C17 on July 25, 1996 as being in violation of CSXT Labor Agreement 15-60-95. This is the same dispute and will be governed by that Award.

In addition, the Organization's procedural argument is rejected for the reasons set forth in Second Division Award 12938 which, for the sake of brevity, are incorporated herein by reference.

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 25th day of October, 2000.