

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 35177
Docket No. SG-35208
00-3-99-3-65

The Third Division consisted of the regular members and in addition Referee Dana E. Eischen 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 CSX Transportation Co. (former Louisville & Nashville Railroad):

Claim on behalf of all employees assigned to Signal Maintainer positions in Seniority District 6 for payment of one hour at the time and one-half rate for each highway grade crossing signal installation on their respective territories, account Carrier violated the current Signalmen’s Agreement, particularly Rules 1, 31 and 32, when it used outside forces to install signs at the crossings, from December 25, 1997 to February 9, 1998. Carrier’s File No. 15(98-104). General Chairman’s File No. 98-L&N-5. BRS File Case No. 10763-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.

The claim in this case is similar to the claim in Third Division Award 35039. The parties are the same and the arguments similar. For the reasons set forth therein this claim is denied.

We find no basis in the present record that would support a different result in this essentially identical case. Accordingly, for all of the reasons set forth in Third Division Award 35039, supra, this claim likewise is denied. See also Third Division Awards 35040, 35041, 35042, 35043, 35044 and 35045.

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 20th day of December, 2000.