

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 35466
Docket No. SG35468
01-3-99-3-366

The Third Division consisted of the regular members and in addition Referee James E. Mason when award was rendered.

(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: ((CSX Transportation, Inc. (former Chesapeake and
(Ohio - Pere Marquette District)

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the CSX Transportation Company (C&O-PM):

Claim on behalf of R.E. Butterfield, L.T. Miller, S.D. Perry and A.B. Lieto, for payment of two hours and 40 minutes at their time and one-half rates, and R.G. Robertson, for payment of five hours and 20 minutes at his time and one-half rate, account Carrier violated the current Signalmen’s Agreement, particularly the Scope Rule, when it used non-covered employees to remove and install radios on locomotives, on March 6, 9, 18 and 19, 1998. Carrier’s File No. 15(98-246). General Chairman’s File No. 98-58-PM. BRS File Case No. 10956-C&O(PM).”

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 circumstances involved in this case are the same as those found in Third Division Awards 35464 and 35465. The only differences are found in the claim dates. Otherwise they involve the same issue, same Scope Rule and same contentions by the parties.

Nothing would be served by repeating the opinions set forth in the previous Awards mentioned above. Rather, by reference, those opinions and decisions are made a part of this Award.

The claims as presented herein are denied.

AWARD

C l a i m d e n i e d .

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, 2001.