

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

**Award 36340  
Docket No. SG-36006  
02-3-00-3-103**

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 Company (former Louisville and  
( Nashville Railroad)**

**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):**

**Continuous time claim on behalf of M. D. Grubbs, R. D. Haynes, R. M. Shocklee, J. V. Higgins, J. C. Groves, B. K. Watson, L. R. Boren, D. R. Clary, J. W. Craft, J. E. Wade, W. A. Hodge, K. A. Messick, for payment of 1088 hours at the time and one-half rate to be divided equally among the Claimants, account Carrier violated the current Signalmen’s Agreement, particularly the Scope Rule (Rule 1) and Rules 2, 3, 4, 7, 31, and 32, when it used outside forces to install poles for the signal pole line and perform other signal pole line work, at various locations on the Claimants’ assigned seniority district, from January 11, 1999 to February 24, 1999, and continuing for the term of the violation, depriving the Claimants of the opportunity to perform this work. Carrier’s File No. 15(99-59). General Chairman’s File No. 99-71-03. BRS File Case No. 11068-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.

There exists in this case a serious unresolved evidentiary conflict relative to what was done and who did it. The Organization advanced several allegations and assertions, but offered nothing in the way of probative evidence to support its contentions. The Board is left with no recourse but to dismiss the claim as presented for lack of proof by the originating party.

**AWARD**

Claim dismissed.

**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 26th day of December 2002.