

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 36362
Docket No. SG-36282
03-3-00-3-507

The Third Division consisted of the regular members and in addition Referee Nancy F. Eischen when award was rendered.

(Brotherhood of Railroad Signalmen)
PARTIES TO DISPUTE: (
(CSX Transportation, Inc. (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. (formerly Louisville & Nashville Railroad):

Claim on behalf of C. E. Stewart, A. L. Brown, S. A. Cox, W. E. Gunter, Jr., L. P. Grace, C. C. Pierce, Jr., W. E. Hinton, Jr., R. P. Endfinger, R. L. Stansberry, K. L. Brown, R. F. Bullock, Sr., E. J. Ward, S. J. Hamrysak, R. S. Hunter, D. L. Padgett, L. C. Satchfield, M. J. Day, F. R. Rogers, J. L. Blackwood, T. B. Rogers, C. W. Thompson, C. E. Wilson, J. W. Quinley, M. O. Stanfill, and B. B. Rogers, for payment of 1397 hours at their respective time and one-half rates, to be divided equally among the Claimants, account Carrier violated the current Signalmen's Agreement, particularly Rules 51, 31, and 32, when beginning on April 24, 1999, and continuing through June 4, 1999, it allowed employees assigned to System Signal Gang No. 7XD3 to perform work, not covered under Rule 51, on Seniority District No. 6, and deprived the Claimants of the opportunity to perform this work. Carrier also violated Rule 54 of the current Agreement when it failed to respond to the initial claim in a timely fashion. Carrier's File No. 15 (99-153). General Chairman's File No. 99-137-4. BRS File Case No. 11355-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.

Except for the dates of alleged violations, the Claimants, operative facts, contract language and positions of the parties in this case are indistinguishable from those in companion Docket SG-36297, which the Board denied in Third Division Award 36258. For the reasons set forth with particularity in Award 36258, this duplicate claim likewise is denied.

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 14th day of January 2003.