

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 36634
Docket No. SG-36107
03-3-00-3-288

The Third Division consisted of the regular members and in addition Referee Margo R. Newman when award was rendered.

**(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(CSX Transportation, Inc.**

STATEMENT OF CLAIM:

"Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the CSX Transportation Company (B&O):

Claim on behalf of F. J. Biedrzycki, D. Jefferson, and D. S. Anania, for payment of 650 hours at the straight time rate and 26 hours at the time and one-half rate for each of the following Claimants, account Carrier violated the current Signalmen's Agreement, particularly the Scope Rule, CSXT Labor Agreement No. 15-18-94, and Side Letter No. 2 of the November 17, 1994 Agreement, when in January of 1999, it permitted System Signal Construction Gangs, who are not covered by the B&O Agreement to perform pole line maintenance on the Philadelphia Subdivision between Mile Post 17.5 and Mile Post 48.0, and deprived the Claimants of the opportunity to perform this work. Carrier File No. 15 (99-92). BRS File Case No. 11378-B&O."

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.

Other than the identity of the Claimants, this is a duplicate claim to the one processed by the Organization in companion Docket SG-36106, which the Board denied in Third Division Award 36633. It seeks similar compensation for the exact same work, on the same dates, at the same location, based upon the identical protest to the Carrier's use of a System Signal Construction Gang rather than District maintenance forces. Because the Organization is precluded from advancing duplicative claims, the instant claim is dismissed.

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 29th day of July 2003.