

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 36782
Docket No. SG-37300
03-3-02-3-309**

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

PARTIES TO DISPUTE: (
(Brotherhood of Railroad Signalmen
(Burlington Northern Santa Fe Railway Company

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Burlington Northern Santa Fe (BNSF):

Claim on behalf of J. T. Wadeson, for five hours at the time and one-half rate, account Carrier violated the current Signalmen's Agreement, particularly Rule 1, 2, 12 and 45, when it failed to call the Claimant for overtime service on February 23, 2001, near Mile Post 8.3, on the Devil's Lake Subdivision, Minnesota Division. Carrier's File No. 35 01 0025. General Chairman's File No. 01-023-BNSF-154-TC. BRS File Case No. 11919-BNSF.”

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.

At about 4:00 P.M. on February 23, 2001, a Track Gang was called to replace a defective rail at Mile Post 8.3 on Devil's Lake Subdivision of the Minnesota Division. A Track Inspector discovered the defect earlier that day. Signal Maintainer S. L. Schmitt installed the bond wires and tested the signal system when he reported to work at his regular starting time on Monday, February 26, 2001.

This case is identical to Third Division Award 36781, wherein the Carrier failed to call a Signalman, who, by the Carrier's Rule, should have been called when a rail was being replaced. The Carrier also violated the Agreement by failing to have a Signalman present on site when the signal system was interrupted. In Award 36781, as well as in this docket, the Carrier readily admitted to violating a number of Rules by not notifying the Claimant when rail replacement was required.

The Board therefore concludes that the Claimant shall be paid a two hour 40 minute call as an appropriate remedy in this instance.

AWARD

Claim sustained in accordance with the Findings.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 29th day of December 2003.