

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 37010
Docket No. SG-36497
04-3-00-3-726

The Third Division consisted of the regular members and in addition Referee Robert Perkovich when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(Union Pacific Railroad Company
((former Missouri Pacific Railroad Company)

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Union Pacific Railroad (former Missouri Pacific):

Claim on behalf of E.L. Mitchell for payment of \$19.50 in expenses, account Carrier violated the current Signalmen's Agreement, particularly Rules 5 (c) and 7 of the Ancillary Mobile Signal Gang Agreement when it failed to reimburse the Claimant for Noon meal expenses incurred on November 3 and 4, 1999. Carrier's File No. 1213655. General Chairmen's File No. S-5-C-7-002. BRS File Case No. 11402-MP.”

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 Claimant at all relevant times herein was assigned to Gang 2639 which was working in Little Rock, Arkansas. While so assigned, the Claimant lived in Jacksonville, Arkansas, 19 miles from midtown Little Rock. On the two days in question, he submitted a request for reimbursement for noon meal expenses. Those requests were denied because he returned home on each day. The claim was based on the fact that the Claimant was assigned to a mobile gang and the amount of the claim was based on the maximum allowable. Thus, the Claimant did not provide receipts or proof of the amounts expended for noon meals on the days in question.

Claims submitted under identical circumstances have found their way before the Board and they have been denied. For example, in Third Division Award 36632, a dispute that arose on this very same property between the very same parties, the Board found that because Rule 5(c) allows reimbursement only for "actual" expenses, a claim will fail for lack of proof in the absence of receipts or other evidence proving the amounts expended. Moreover, similar language in other Agreements has been interpreted in the same fashion. See e.g., Third Division Awards 33650, 27967, 27039, and 26458. Accordingly, this claim must also fail.

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 18th day of May 2004.