

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 37099
Docket No. SG-36982
04-3-01-3-576

The Third Division consisted of the regular members and in addition Referee Francis X. Quinn when award was rendered.

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

STATEMENT OF CLAIM:

"Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Union Pacific Railroad Company:

Claim on behalf of M. T. Van Becelaere for payment of four hours at the time and one-half rate. Account Carrier violated the current Signalmen's Agreement, particularly Rule 13, when on August 8, 2000, it allowed a junior employee to perform overtime service and deprived the Claimant of the opportunity to perform this work. Carrier's File No. 1246996. General Chairman's File No. N13-106. BRS File No. 11768-UP."

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.

On September 20, 2000, the Organization presented a claim on behalf of the Claimant contending that the Carrier allowed a junior employee to work overtime. It was requested that the Carrier compensate the Claimant for four hours at the overtime rate for the amount of overtime that the junior employee worked. The record indicates that the Claimant was on vacation. Such a claim does violence to the concept and benefits of seniority and must be 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 21st day of July 2004.