

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 37102
Docket No. SG-37026
04-3-01-3-608

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 J. M. Reagan for reimbursement of all expenses (mileage, hotels, meals, etc.) in connection with his force assignment to Gang #3283. Account Carrier violated the current Signalmen's Agreement, particularly Rule 55, when Carrier improperly assigned the Claimant to the position of interlocking repairman at Houston, Texas. Carrier's File No. 1247789. General Chairman's File No. S-55-048. BRS File No. 11862-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.

It has been established that a person is not an unassigned Signalman until he or she first acquires a Signalman position. Several key Rules use variations of "assign," such as "assigned," "assignments," or "assigning," within their specific context. Rules 51, 52, 53, and 55 compel the conclusion that being assigned means regularly holding one of the Class 1 positions listed in Rule 1 after having been promoted to that class of positions. The term "Signalman" does not automatically accrue to an Assistant Signalman until he/she completes training and "acquires" or is promoted to the Signalman position in Class 1. Such was not the case herein. The Claimant was an Assistant Signalman. The claim lacks merit.

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.