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**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 37173
Docket No. SG-37546
04-3-02-3-633

The Third Division consisted of the regular members and in addition Referee Martin H. Malin when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(National Railroad Passenger Corporation (Amtrak)

STATEMENT OF CLAIM:

"Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Amtrak (NRPC):

Claim on behalf of R. H. Brown and M. D. Baublitz, for five and one-half hours at their respective straight time rate of pay for each day worked from September 4, 2001, to September 7, 2001, account Carrier violated the current Signalmen's Agreement, particularly Rule 41, when it changed their working hours on Gang EO92 from 6:00 a.m. to 2:30 p.m., to 9:00 p.m. to 9:00 a.m., and then failed to compensate the Claimants with the proper amount of pay. Carrier's File No. NEC-BRS(S)-SD-943. General Chairman's File No. JY321086-650111. BRS File Case No. 12277-NRPC(S)."

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.

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Parties to said dispute were given due notice of hearing thereon.

The instant claim is encompassed within and, in that respect, duplicative of the claim in Third Division Award 37174. Accordingly, the instant claim must be 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 28th day of September 2004.