

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 37185
Docket No. SG-37996
04-3-03-3-430**

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 National Railroad Passenger Corp.:

Claim on behalf of J. Rogo Jr, for a three (3) hour call out, account Carrier violated the Signalmen's Agreement, particularly Rules 2 and 29, when on April 17, 2002, it used a Signal Supervisor to assist another employee with signal trouble on the Claimant's assigned territory instead of calling the Claimant. The Claimant was denied the opportunity to perform this work. Carrier's File No. NEC-BRS(S)-SD-975. General Chairman's File No. JY32101016-180210. BRS File Case No. 12751-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.

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

The instant claim seeks compensation for a Supervisor allegedly performing agreement-covered work. We reviewed the record carefully. The record contains no evidence that the Supervisor actually performed any Agreement-covered work. Accordingly, the claim 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 28th day of September 2004.