

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 37188
Docket No. SG-38028
04-3-03-3-469

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. W. Jester, for 3 hours at the straight time rate of pay, account Carrier violated the current Signalmen's Agreement, particularly Rule 2, when on April 25, 2002, Carrier called a communications inspector to reset the carrier at Frazer C.I.H. that had shut down, instead of calling the Claimant who is an electronic technician and should have been called. Carrier's actions deprived the Claimant of this work opportunity. Carrier's File No. NEC-BRS-(S)-SD-982. General Chairman's File No. JY32101019-1060212. BRS File Case No. 12757-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.

On April 25, 2002, there was a communications failure between Thorn Tower and Frazer Interlocking. Using the call out list for the Lancaster, Pennsylvania, communications group, the Carrier called a Communications Inspector to identify and correct the problem. The record reflects that the Carrier acted in accordance with the Agreement by following the call out list. To the extent that there may be an issue with the call out list, the Board lacks authority to address such a matter.

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.