

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

**Award No. 37215  
Docket No. SG-37153  
04-3-02-3-90**

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 B. C. Fritz for payment of 10 hours at the time and one-half rate. Account Carrier violated the current Signalmen’s Agreement, particularly the Scope Rule, when on September 16, 2000, Carrier instructed the Manager of Signal Projects to pull a scanner tape from the hot box detector located at MP 610.90 in Bennett, CO. Carrier’s action deprived the Claimant of the opportunity to perform this work. Carrier’s File No. 1247858. General Chairman’s File No. Nscope-121. BRS File Case No. 11766-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.

The Scope Rule covers installing, testing, inspecting, maintaining, or repairing Signal Department work. The record indicates that the Manager of Signal Projects retrieved information for a derailed train only after the Claimant turned the work down. There is no Rule violation. See Third Division Award 36553.

**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.