

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 37289
Docket No. SG-36872
04-3-01-3-449

The Third Division consisted of the regular members and in addition Referee Robert Perkovich when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(The Burlington Northern and Santa Fe Railway Company)

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Burlington Northern Santa Fe Railroad Co. (former Santa Fe Railroad):

Claim on behalf of D. C. Houk for 2.7 hours at the time and one-half rate. Account Carrier violated the current Signalmen's Agreement, particularly Rule 21, when on July 26, 2000 Carrier used SOC Technicians to inspect and test signal equipment following a derailment at MP 203.1 in Frazee, MN. Carrier's action deprived the Claimant of the opportunity to perform this work. Carrier's File No. 34-00-0025. General Chairman's File No. TC-21-2000. BRS File Case No. 11752-ATSF).”

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 Claimant was assigned to the position of Signal Maintainer with a territory of Detroit Lakes, Minnesota. On the day in question there was a derailment within that territory at Frazee, Minnesota, at MP 203.1. The Carrier assigned a Signal Technician, a fellow bargaining unit employee, working from its Signal Operations Center (SOC) in Dallas - Ft. Worth, Texas, to determine the bearing temperature and alarm status from the train that derailed and did so, remotely from the SOC.

We find that the claim must be denied. The record reflects that the Signal Technician performed no tests nor any inspection of a signal device, but rather merely retrieved data from the train that derailed.

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 17th day of November 2004.