

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 37565
Docket No. SG-37465
05-3-02-3-549

The Third Division consisted of the regular members and in addition Referee Marty E. Zusman when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(BNSF Railway Company)

STATEMENT OF CLAIM:

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

Claim on behalf of C. D. Sconyers, for payment of 42 hours and 30 minutes at the straight time rate, account Carrier violated the current Signalmen's Agreement, particularly Section 6 and Section 10(b) of the National Vacation Agreement, when it distributed more than 25 percent of the workload of a vacationing employee to the Claimant from June 18, through June 29, 2001, without assigning a relief employee. Carrier's File No. 35 01 0047. General Chairman's File No. 01-085-BNSF-129-S. BRS File Case No. 12142-BNSF.”

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.

Upon careful review of the on-property record, we find that although the dates, times and details vary, this claim considers the same contentions and factual disputes as we considered in Third Division Awards 37563 and 37564. Our conclusions rest upon the same on-property considerations and follow the logic of Third Division Award 32210 when presented with a clear long term practice and negotiated Rule assertions that are never rebutted. Given that background, we must deny the claim.

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 20th day of July 2005.