

****CORRECTED****

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 37607
Docket No. SG-37581
05-3-02-3-708

The Third Division consisted of the regular members and in addition Referee Robert G. Richter 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 (UP).

Claim on behalf of C. W. Lynch, J. L. Peterson, H. J. Hunt, D. D. Fauss, S. L. Johnson, A. J. Jett, K. J. Svejovsky and L. E. Reitz, for 238 hours each at their respective time and one-half rates of pay, account Carrier violated the current Signalmen's Agreement, particularly the Scope Rule and Rule 80, when it purchased and installed a pre-assembled car retarder at the North Platte Hump Yard on August 15, 2001, and deprived the Claimants of the opportunity to perform this work. Carrier's File No. 1287010. General Chairman's File No. Nscope-240. BRS File Case No. 12267-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.

This case is the same as that which is found in Third Division Award 37606. For the reasons cited in Award 37606 this claim also will 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 22nd day of September 2005.