



This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

Prior to January 12, 2001, Signal Gang No. 4032 was performing signal construction work on the Carrier's commuter operations. The gang was headquartered at Berkeley, Illinois. C. J. Bendowski was the Manager of Signal Construction who supervised the gang, which consisted of one Signal Foreman, two Assistant Foremen and two Signalmen.

On January 12, 2001, Signal Gang No. 4032 was abolished. A new gang, Signal Gang No. 4048, was established on January 12, 2001, with headquarters at Western Avenue in Chicago. Manager of Signal Construction C. J. Bendowski supervised this gang which was made up of one Signal Foreman, one Assistant Foreman and three Assistant Signalmen.

The rate of pay of the Signalman classification is higher than the Assistant Signalmen's rate of pay.

The Organization filed a continuing claim on behalf of Assistant Signalman L. D. McGee for the difference in pay between the Signalman classification and the Assistant Signalman classification. It is the Organization's position that the Carrier abolished all five positions on Signal Gang No. 4032 and, on the same bulletin, established five new positions on Signal Gang No. 4048 for the purpose of reducing the Signalmen's rate of pay in violation of Rule 56. The Organization stresses that the two signal gangs had the same hours, same rest days and the same Manager of Signal Construction. They also performed the same work on the Carrier's commuter operations, according to the Organization.

The Carrier denied the claim alleging that it did not abolish the positions on Signal Gang No. 4032 and establish new positions on Signal Gang No. 4048 "for the purpose of reducing the rate of pay or evading the application of the rules in this [Signalmen's] agreement." Rather, Signal Gang No. 4032 was abolished because the signal project on which they were working was completed. The Carrier maintains

that a new signal gang was established with a different headquarters to work on a different signal project.

It is instructive to note that on February 23, 2001, when the Organization filed the instant claim, Claimant L. D. McGee had no seniority as a Signalman. Rather, he was an Assistant Signalman with approximately six months of service. Therefore, even if the Organizations' position were correct, the Claimant could not have bid on a Signalman's position. Accordingly, he would not be entitled to the difference between the Signalman's rate of pay and the Assistant Signalman's rate of pay. Consequently, the issue of whether Rule 56 was violated as alleged by the Organization need not be reached.

**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 19th day of October 2005.