

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 37972
Docket No. SG-37438
06-3-02-3-479

The Third Division consisted of the regular members and in addition Referee John R. Binau 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 D. E. Beck, for \$182.16 in mileage expense, account Carrier violated the current Signalmen's Agreement, particularly Rules 37, 70, and 80, when it required the Claimant to use his personal automobile to travel between his residence and his headquarters for work and trouble calls from May 8, through May 31, 2001, and denied reimbursement of his mileage expense. Carrier's File No. 1277721. General Chairman's File No. N37 70-207. BRS File Case No. 12084-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 Claimant was assigned to the position of Signal Maintainer with headquarters at Tama, Iowa, at the time of this dispute. The Claimant resides in LeGrand, Iowa, approximately 15 miles from his headquarters. On April 30, 2001 the Carrier instructed the Claimant to leave his assigned company vehicle at the headquarters when he was off duty after he made himself unavailable for emergency calls.

In a letter dated May 4, 2001, the Organization requested that an Unjust Treatment Hearing be held under the provisions of Rule 70 regarding the Carrier's instructions to the Claimant to leave his company truck parked at his headquarters rather than at home because he was unable to respond to a call on April 27, 2001. Not receiving a response to the Organization's request for an Unjust Treatment Hearing, the Organization in a letter dated June 14, 2001, filed the instant claim on behalf of the Claimant.

The arguments made by the parties in this case are the same as those made in Third Division Award 37971 involving the same Claimant. The only difference in this case is that the mileage claimed is for a specific period whereas the claim in Award 37971 was a continuing claim. The Board therefore finds, as it did in the previous case, that there is no Agreement support to pay the Claimant mileage from his residence to his headquarters.

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 25th day of October 2006.