

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 39493
Docket No. SG-38865
09-3-NRAB-00003-050300
(05-3-300)

The Third Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(Northeast Illinois Regional Commuter Rail
(Corporation (Metra)

STATEMENT OF CLAIM:

**“Claim on behalf of the Brotherhood of Railroad Signalmen on the
Northeast Illinois Regional Commuter Rail Corp.:**

**Claim on behalf of M. S. Tillmon, for \$108.00, account Carrier
violated the current Signalman’s Agreement, particularly Rules 20,
24, 71, 79 and past practice, when on April 14, 2003, Carrier denied
expense report submitted by the Claimant, who was an Assistant
Signalman, for mileage to Signal Training School at Daley Technical
Center. Carrier’s File No. 11-14-409. General Chairman’s File No.
15-CR-03 TILLMON. BRS File Case No. 13050-NIRC.”**

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.

At the time this dispute arose, the Claimant was an Assistant Signalman assigned to a signal gang with headquarters at Blue Island, Illinois, on the Rock Island District. During the period March 11 through March 21, 2003, the Claimant attended Signal Training School at the Daley Technical Center located in Cook County, Illinois. The Claimant submitted an expense report seeking reimbursement of mileage in the amount of \$108.00. The Carrier denied the requested reimbursement. This claim followed.

Rule 79 - TRAINING SCHOOLS provides:

“Regularly assigned employees covered by this agreement sent by management outside the area comprising Cook and the five RTA collar counties for the purpose of attending training or orientation schools shall be reimbursed for necessary actual expenses for lodging, meals and travel expenses supported by receipts and shall suffer no loss in pay.

For attending training and orientation schools within the area comprising Cook and the five RTA collar counties, Carrier will either provide transportation to and from an employee’s headquarters point and the school site or if the employee is willing and uses his personal automobile in lieu of such transportation, Carrier will reimburse the employee at the standard automobile mileage rate authorized by the Carrier. Such employees shall suffer no loss in pay.”

The Claimant’s headquarters were in Blue Island - a location in Cook County, Illinois. The Claimant attended Signal Training School at the Daley Technical Center - which is also located in Cook County. The second paragraph of Rule 79 therefore governs. That provision is clear and mandatory - “[f]or attending training and orientation schools within the area comprising Cook and the five RTA collar counties, Carrier will either provide transportation to and from an employee’s headquarters point and the school site or if the employee is willing and uses his personal automobile in lieu of such transportation, Carrier will reimburse the employee at the standard automobile mileage rate authorized by the Carrier.” The Claimant is an “employee” who was sent to training school in Cook County. He

should have been reimbursed for mileage which he drove under the second paragraph of Rule 79.

This matter is remanded to the parties with instructions that the Claimant be paid in accord with the second paragraph of Rule 79 - the distance from his headquarters in Blue Island (and not his home) and the Daley Training Center which he drove. The only caveat the Board can place on that payment is that the Claimant is not entitled to a windfall - i.e., in order to obtain mileage reimbursement for attending the training school, the Claimant must have actually incurred driving travel expense over and above what he incurred to get from his home to his headquarters point in Blue Island.

AWARD

Claim sustained in accordance with the Findings.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 2nd day of February 2009.