

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 39740
Docket No. SG-38817
08-3-NRAB-00003-050237
(05-3-237)**

The Third Division consisted of the regular members and in addition Referee Robert E. Peterson 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 Railroad Company:

Claim on behalf of K. L. Hopwood, for one hour at his overtime rate of pay, account Carrier violated the current Signalmen’s Agreement, particularly, Rule 13, when it refused to compensate the Claimant for service he was instructed to perform from 16:00 until 17:00 on February 12, 2004. (Carrier’s File No. 1396633; General Chairman’s File No. N 13 433; BRS File Case No. 13170-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.

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Study of the record as presented reveals an exhibit which evidences that this claim has been fully and finally settled on the property without prejudice to either party's position. The settlement is not to be cited in the future.

Under the circumstances, the claim is dismissed.

AWARD

Claim dismissed.

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 26th day of June 2009.