

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 40255
Docket No. SG-40017
10-3-NRAB-00003-070179
(07-3-179)

The Third Division consisted of the regular members and in addition Referee Elizabeth C. Wesman 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:

Claim on behalf of R. J. Roberts, for compensation at his half-time rate of pay for all hours worked outside his assigned territory starting December 15, 2005 and continuing until this dispute is resolved, account Carrier violated the current Signalmen’s Agreement, particularly CNW Rule 21(a) as preserved by the Implementing Agreement effective January 31, 2000 and Rule 56 of the current CBA, when it changed the territorial limits of the Claimant in order to avoid paying the time and one-half rate for working off his assigned territory as required by the Agreement. Carrier’s File No. 1444769. General Chairman’s File No. N21a603. BRS File Case No. 13718-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.

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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 Board notes that this case is identical in subject and circumstance to the claim denied in Third Division Award 39287. That Award is directly on point and dispositive of the very matter at issue in this case. Accordingly, the instant claim is 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 15th day of January 2010.