

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

Award No. 40474  
Docket No. SG-40069  
10-3-NRAB-00003-070264  
(07-3-64)

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 K. J. Cox, for \$106.80 for mileage expense and \$9.99 for noon meal expense, account Carrier violated the current Signalmen’s Agreement, particularly Rules 33, 75 and 80, when on March 16, 2006, failed to compensate the Claimant for the expenses he incurred when it required him to travel from Spring Creek, Nevada to Winnemucca, Nevada, a distance of 120 miles, for a return to work consultation after he had been released to return to work with no restrictions on March 9, 2006. Carrier compounded this violation by failing to respond to the Organization’s appeal within the 60-day time limit provisions of Rule 69. Carrier’s File No. 1446621. General Chairman’s File No. UPGCW-75-1232. BRS File Case No. 13813-UP.

**FINDINGS:**

The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

Form 1  
Page 2

Award No. 40474  
Docket No. SG-40069  
10-3-NRAB-00003-070264  
(07-3-264)

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 Board notes that this issue has been previously decided dispositively by the Board in Third Division Award 40256. Accordingly, the claim cited above is dismissed as moot.

**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 14th day of May 2010.