

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 40909
Docket No. SG-40955
11-3-NRAB-00003-090297**

The Third Division consisted of the regular members and in addition Referee Gerald E. Wallin when award was rendered.

**(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(Belt Railway Company of Chicago**

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Belt Railway of Chicago:

Claim on behalf of P. J. Rizzo, for compensation for the differential between his current rate of pay and the Lead Signal Technician rate of pay for all hours worked after August 31, 2007, continuing until he is awarded the position of Lead Signal Technician that he should have been awarded after his position was abolished, account Carrier violated the current Signalmen’s Agreement, particularly Rule 36, when it failed to allow the Claimant to assume the position of Lead Signal Technician after he was the senior bidder. Carrier’s File No. 08-BRSA-002. General Chairman’s File No. 07-08-BRC. BRS File Case No. 14197-BELT.”

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's displacement onto the Lead Signal Technician position was denied by the Carrier because of his lack of an FCC Operator certificate to repair radar transmitters. It is undisputed that the Claimant did not possess the certificate. The focus of the dispute, however is whether the certificate was a proper requirement to hold the position on a permanent basis.

After careful review of the record, we find that the record fails to satisfy the Organization's burden of proof to establish the merits of the claim. Accordingly, the claim must be 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 10th day of March 2011.