

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 41632
Docket No. SG-41714
13-3-NRAB-00003-110354**

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

**(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(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 J. L. Crawford, for \$162.00 in mileage reimbursement, account Carrier violated Agreement Rules 36 and 80 when it did not compensate the Claimant for traveling from his home to work in Muskogee, OK. Carrier’s File No. 1537354. General Chairman’s File No. S-36, 80-1074. BRS File Case No. 14602-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.

This claim arose when the Claimant traveled from his home to work Zone Gang 8876 in Muskogee, Oklahoma. The Claimant claimed mileage under Rule 36, which states that Zone gang "Employees will receive \$9.00 for every twenty five (25) miles traveled from home to work at the beginning and end of each work period." The Organization filed claim when the travel allowance was not paid, because this was the beginning of the Claimant's work period on Tuesday, May 4, 2010 and finishing the following week on Tuesday, working from 7:00 A.M.

The Carrier asserted that Rule 36 was inapplicable. It pointed out that the Claimant gave notice under Rule 58 of the Agreement to exercise seniority on May 4, 2010 to a Signalman's position on Gang 8876. After serving notice to displace onto that gang, the Claimant drove to his new position and exercised his seniority. The Carrier's position is that the Claimant was not assigned to Gang 8876 when he travelled to the position. As such, he was not entitled to the travel allowance under Rule 36.

The Board carefully studied the record, as well as the major Award cited by the Organization (Public Law Board No. 6459, Award 16) that of the Carrier (Public Law Board No. 6459, Award 8) and the facts at bar. The evidence of the Displacement/Bump Inquiry Number GBP 11287 documents that this was a displacement. The Board has already ruled on a case with almost the exact circumstances. See Third Division Award 41631 wherein the Board held that Rule 58 governing the Claimant's displacement states that, "A displacement is not effective until the employee is physically displaced." Accordingly, the Claimant's travel was not governed by Rule 36 and the Carrier's actions were proper, as indicated by Public Law Board No. 6459, Award 8.

Given that the facts document that the "work period" for the Claimant did not begin prior to his travel from his home, but after he physically displaced onto the gang, the Carrier acted appropriately in denying the travel allowance. Therefore, the claim must be denied.

AWARD

Claim denied.

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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 24th day of April 2013.