

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Robert G. Simmons, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN OF AMERICA
SOUTHERN PACIFIC COMPANY (PACIFIC LINES)

STATEMENT OF CLAIM: Claim that Signalman D. Sawyer, C. W. Pemberton and Assistant Signalmen R. M. Thornton and N. R. Cranston be reimbursed for cost of meals eaten away from their home station while performing emergency repair work, February 19, 20, 23 and 26, 1945. Amount claimed \$19.03.

EMPLOYEES' STATEMENT OF FACTS: Messrs. Sawyer, Pemberton, Thornton and Cranston are members of Signal Gang 12 of the Coast Division, Southern Pacific Company, with headquarters at the San Jose Signal Shop, San Jose, California. The regular working hours of this gang are eight hours per day, as follows: 8:00 a.m. to 12:00 noon, and 12:30 p.m. to 4:30 p.m. However, at the time claim was made employees were assigned to one hour overtime per day.

This gang reports for duty at the San Jose Signal Shop every morning and returns to it every night after its tour of duty. On the days in question the members of this gang were required on account of emergency conditions over which they had no control to work in excess of ten hours per day, as follows:

February 19 — 7:00 a.m. to 8:00 p.m., exclusive of meal periods.
" 20 — 7:00 " " 8:15 " " " " "
" 23 — 7:00 " " 8:00 " " " " "
" 26 — 7:00 " " 8:00 " " " " "

The usual expense accounts were turned in by the employees, as follows:

Name	Place	2-19-45	2-20-45	2-23-45	2-26-45	Total
C. W. Pemberton	Redwood City	\$1.20	\$1.25			
	Palo Alto			\$1.20	\$1.15	\$ 4.80
D. Sawyer	Redwood City	1.03	1.03			
	Palo Alto			1.03	1.03	4.12
N. R. Cranston	Redwood City	1.38	1.28			
	Palo Alto			1.23	1.38	5.27
R. M. Thornton	Redwood City	1.27	1.03			
	Palo Alto			1.27	1.27	4.84
						\$19.03

Palo Alto is 17 miles and Redwood City is 22 miles from San Jose, the employees' headquarters.

OPINION OF BOARD: The issue here presented is identical with that presented in SG-3311, Award 3305.

For the reasons there given the claim is denied.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That for the reasons stated in the Opinion the claim is denied.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 2nd day of October, 1946.