

Award No. 5769

Docket No. SG-5785

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Livingston Smith, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN OF AMERICA

FLORIDA EAST COAST RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen of America on the Florida East Coast Railway that:

- (a) The Carrier violated the Signalmen's Agreement when it changed a long established practice by ordering Signal Maintainer G. M. Hodge to move and establish his residence at Miami, Florida, by September 1, 1950.
- (b) The Carrier withdraw or recall the letter of June 9, 1950, addressed to Signal Maintainer Hodge which ordered him to reside in Miami, Florida, effective September 1, 1950.

EMPLOYEES' STATEMENT OF FACTS: The record and history of this dispute are substantially revealed in the correspondence covering this claim as it was handled on the property. Accordingly, the relevant correspondence is reproduced herewith, with the understanding that the Brotherhood is reproducing Carrier's correspondence as record only and is not to be construed as the Brotherhood's acceptance of the Carrier's statements:

"FLORIDA EAST COAST RAILWAY COMPANY

St. Augustine, Florida
June 9, 1950

7-5

Mr. G. M. Hodge,
Maintainer.

Dear Sir:

As a matter of cooperation for a good many years the Railway has acquiesced in the arrangement under which you reside between Goulds and Homestead, twenty or more miles from your home station at Miami. I was influenced to permit continuance of this arrangement because of the belief that you were endeavoring to perfect some plans to make your home in Miami, but I have heard nothing recently that would indicate you are making progress in that direction.

The most important elements of your work are connected with signal and communication facilities on that part of your Section lying

All of the matters cited and relied upon by the Carrier insofar as they relate to the case as handled on appeal on the property have been discussed with the Employees.

OPINION OF BOARD: Complaint here by Signal Maintainer, G. M. Hodge, concerns the propriety of Carrier's action in requiring the said Hodge to move and establish his residence at Miami, Florida. Request is made of the Board that Carrier be directed to withdraw order of June 9, 1950, and that the same be declared null and void and in violation of Rules 8 (c), 10, and 40.

The subject matter of this claim or protest involves the same parties, the same rules, and is comparable, if not identical with the subject matter that was considered by the Board in Award 5768.

For the reasons stated in Award 5768 this claim is without merit.

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

That both parties to this dispute waived oral hearing thereon;

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees 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 the Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Acting Secretary

Dated at Chicago, Illinois, this 21st day of May, 1952.