

Award No. 6122
Docket No. SG-5975

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Dudley E. Whiting, Referee

Interpretation

Serial No. 138

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILROAD SIGNALMEN OF AMERICA
ATLANTA TERMINAL COMPANY**

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen of America on the Atlanta Terminal Company that:

(a) The Carrier violated the terms of the Signalmen's Agreement when it arbitrarily changed a long established practice by blanking two regularly assigned positions on a legal holiday, November 23, 1950.

(b) The Carrier shall now be required to pay all employes who have been adversely affected by this action of the Carrier, at their respective rates on the overtime basis, for all hours lost up to a total of eight (8) hours.

EMPLOYEES' STATEMENT OF FACTS: The Signal Force on this Carrier consists of one Leading Signal Maintainer and two Signal Maintainers on first shift; one Signal Maintainer on second shift; and one Signal Maintainer on third shift.

These positions were regularly assigned by Bulletin, which designated hours of service and days off.

On November 21, 1950, the Carrier issued a bulletin as follows:

"Atlanta, Ga., November 21, 1950.

Switch & Signal Department

On account of Thursday, November 23rd, 1950, being a Legal Holiday, we will retain only the three trick Maintainer positions on that date.

Also, on account of Monday, December 25th, 1950, being a Legal Holiday, we will retain only the three trick Maintainer positions on that date.

Please be governed accordingly.

(Sgd.) H. B. Siegel,
Manager."

OPINION OF BOARD: Determination of this claim is governed by our Award No. 6121.

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 Employes involved in this dispute are respectively Carrier and Employes 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 violated.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 6th day of March, 1953.

Interpretation

Serial No. 138

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**INTERPRETATION NO. 1 TO AWARD NO. 6122
DOCKET NO. SG-5975**

NAME OF ORGANIZATION: Brotherhood of Railroad Signalmen of America.

NAME OF CARRIER: Atlanta Terminal Company.

Upon application of the Carrier involved in the above Award, that this Division interpret the same in the light of the dispute between the parties as to its meaning, as provided in Sec. 3, First (m) of the Railway Labor Act, approved June 21, 1934, the following interpretation is made:

We have no right, under the guise of interpretation of our awards, to resolve subsequent disputes involving different factual situations.

The only possible ambiguity in our opinion and Award No. 6121 arises out of the statement of the award as "claim sustained." If that had read claim sustained on the basis and to the extent stated in the opinion there would be no possible ambiguity. Similarly if Award No. 6122 had read claim sustained on the basis and to the extent stated in the opinion governing Award No. 6121 there would be no possible ambiguity. That having been our intent we do now so interpret those awards.

Referee Dudley E. Whiting who sat with the Division, as a member, when Award No. 6122 was adopted, also participated with the Division in making this interpretation.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 19th day of January, 1954.