

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION
(Supplemental)

Arnold Zack, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN

CENTRAL OF GEORGIA RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Central of Georgia Railway Company:

(a) That the Carrier violated the agreement of July 1, 1950, Rules 1, 4, paragraph 2 of Rule 47, and Rule 61, and any other applicable rules of the agreement, when on September 26, 1960, Mr. I. K. Dean, the junior Leading Signalman in the Signal Gang, was assigned and instructed to move to Columbus, Georgia, with some part of the Signal Gang and install crossing signals on the Americus District.

(b) That Mr. I. K. Dean be paid the rate of Signal Foreman beginning Monday, September 26, 1960, and to continue until such time as he is relieved from this work or this violation is corrected.

(c) That Mr. J. A. Downs, who is senior Leading Signalman in this gang over Mr. Dean, be paid the difference in pay which he received as Leading Signalman in the Gang and what he would have been paid as Foreman for the same number of days as worked by Mr. Dean. [Carrier's File No.: SIG 458].

EMPLOYEES' STATEMENT OF FACTS: There is very little, if any disagreement among the parties to this dispute concerning the facts in this case.

The Carrier had a Signal Gang headquartered at Childersburg, Alabama performing work in connection with a CTC project between Sterretts and Trammells, Alabama. A Signal Foreman was in charge of this gang, which was housed in company-owned sleeping cars. The gang was also furnished a meal car and cook in accordance with the Signalmen's Agreement.

On September 26, 1960, the Signal Foreman sent one Leading Signalman, one Assistant Signalman, and two Signal Helpers to Columbus, Georgia to install two grade crossing signals at nearby Fort Benning, Georgia. The Foreman met the gang at Columbus on September 26, 1960, and this was the last time that he was there while the work was actually being performed. It took the gang from September 26, 1960 to November 11, 1960 to complete the project.

In view of all the facts and circumstances shown by the Carrier in this Ex Parte Submission, Carrier respectfully requests the Board to deny this the facts, contentions of the parties and reasoning of the Board in this baseless claim in its entirety.

OPINION OF BOARD: Despite variations in dates, locations, and names, the facts contentions of the parties and reasoning of the Board in this case are so similar to those dealt with in Award 13204 as to preclude a repetitive discussion. References to the earlier case suffices.

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

That the parties waived oral hearing;

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: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 13th day of January 1965

Dissent to Award 13205, Docket SG-13113

For the reasons set out in our Dissent to Award No 13204, we dissent.

/s/ W. W. Altus
W. W. Altus
For Labor Members