

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Jerry L. Goodman, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN

CHICAGO, ROCK ISLAND & PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Chicago, Rock Island and Pacific Railroad Company that:

(a) The Carrier violated the current Signalmen's Agreement, as amended, particularly a Memorandum of Agreement signed September 9, 1954, when it failed and/or refused to use a regularly assigned Relief Signal Maintainer, Mr. R. M. Babb, to relieve Signal Maintainer J. D. Oman while he was on vacation from May 6 to 23, 1963.

(b) The Carrier also violated Article V of the August 21, 1954 Agreement when the Superintendent denied the claim on September 9, 1963, without giving any reasons therefor.

(c) The Carrier be required to allow the claim as presented, which read:

"Claim is hereby filed for Relief Signal Maintainer R. M. Babb at straight time rate for May 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22 and 23, 1963 account he was not put on his own assignment which he received by bulletin as the relief signal maintainer under Memorandum of Agreement which is to provide for vacation relief and other relief on the Chicago Terminal. This claim is for straight time rate of pay and is to be paid him in addition to what he may have already been paid on these dates."

(Carrier's File: L-130-287)

EMPLOYES' STATEMENT OF FACTS: Under date of September 9, 1954, the parties to this dispute signed a Memorandum of Agreement providing for the establishment of signal maintainer positions at UD Tower, Joliet, and 61st Street Tower, Chicago, for vacation and other relief of signal maintainers in the Chicago Terminal District. A copy of that Memorandum of Agreement is attached hereto as Brotherhood's Exhibit No. 1.

OPINION OF BOARD: The above claim progressed to the Superintendent of the Carrier who responded to it in his letter to the General Chairman dated September 9, 1963, by stating: "Claims as submitted are further declined."

The question before us is whether the quoted language fulfills the requirement of Article V, Section 1(a) of the Agreement dated August 21, 1954 that the Carrier notify whoever files the claim in writing of the reasons for its disallowance.

We are of the opinion that the quoted language does not fulfill the requirement that Carrier, in denying a claim, must apprise the Organization of the reasons for denial. Award No. 15856 (John J. McGovern).

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 violated by the Carrier.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 17th day of May 1968.