



Award Number 17788

Docket Number SG-17211

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Francis X. Quinn, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN

**SOUTHERN PACIFIC COMPANY
(Pacific Lines)**

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Southern Pacific Company that:

- (a) The Southern Pacific Company violates the current Signalmen's Agreement effective April 1, 1947 (reprinted April 1, 1958, including revisions) when it fails and/or declines to apply Rule 61, which results in violation of Rule 70, by failing to allow these employees actual necessary expenses while they are transferred from their home division seniority district to another division seniority district.
- (b) Messrs. H. L. Hardy, O. C. Betteridge, and L. C. Smith be allowed all actual expenses, commencing April 11, 1966, and continuing each calendar day until such time as these employees are returned to their home division seniority district.

[Carrier's File: SIG 46-82]

EMPLOYEES' STATEMENT OF FACTS: Signal employees on this railroad hold district seniority rights. Claimants named in our Statement of Claim hold such rights on the Salt Lake seniority district.

Beginning on or about April 11, 1966, Claimants began working on the Sacramento seniority district. Under date of May 5, 1966, the Brotherhood's Local Chairman filed a claim on their behalf for expenses under Rule 61, beginning April 11, 1966 and continuing until they are returned to their home seniority district. That claim was subsequently handled in the usual and proper manner on the property, up to and including the highest officer of the Carrier designated to handle such disputes, without receiving satisfactory settlement. Pertinent exchange of correspondence on the property is attached hereto as Brotherhood's Exhibits Nos. 1 through 6.

There is an agreement in effect between the parties to this dispute, bearing an effective date of April 1, 1947 (reprinted April 1, 1958, including revisions), as amended, which is by reference made a part of the record in this dispute.

(Exhibits not Reproduced)

By letter dated May 20, 1966 (Carrier's Exhibit "C"), Carrier's Division Superintendent denied the claim on the basis that the move was the temporary transfer of a gang made in accordance with Memorandum of Agreement signed July 28, 1950, and that no implementing agreement under the Mediation Agreement of February 7, 1965, was required.

Petitioner's Local Chairman rejected the Division Superintendent's denial in a letter dated May 24, 1966, copy of which is included herein as Carrier's Exhibit "D".

By letter dated June 28, 1966 (Carrier's Exhibit "E"), Petitioner's General Chairman appealed the claim to Carrier's Assistant Manager of Personnel, who denied same by letter dated August 26, 1966, (Carrier's Exhibit "F").

(Exhibits not Reproduced)

OPINION OF BOARD: The record discloses that the controlling question in this case, which involves interpretation and application of the Agreement of February 7, 1965, was submitted to Special Board of Adjustment No. 605 by the parties and resolved by Award No. 70 of that Board. The decisions of Special Board of Adjustment No. 605 interpreting and applying the Agreement of February 7, 1965, are final and binding on the parties; therefore, this claim must be dismissed.

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.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 27th day of March 1970.