

Award No. 18126
Docket No. SG-18565

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

John B. Criswell, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN
PENN CENTRAL TRANSPORTATION COMPANY

STATEMENT OF CLAIM:

CLAIM NO. 1

System Docket No. 618 - Pittsburgh Division 188

(a) Claim that the Company violated Article I, Section 4 of the Agreement of February 7, 1965, when it failed to notify the employees of C. & S., Seniority District No. 13 that it was suspending operations and positions; thereby causing these employees to report for work at their respective starting time, Monday, July 17, 1967.

(b) Claim that each and every one of the employees listed below be paid eight (8) hours at the straight time rate of their respective positions for Monday, July 17, 1967, account of the violations cited in Claim (a) above:

Lorenz, J. N. - Insp. C&S
Montgomery, R. L. - Leading Maintainer
Anthony, J. D. - Maintainer Test
Dotterer, J. E. - Maintainer C&S
Texter, W. H. - Maintainer C&S
Barnett, J. K. Maintainer C&S
Himes, G. B. - Maintainer C&S
Kilgore, G. E. - Signalman
Mohney, D. V. - Signalman
Adams, J. W. - Maintainer C&S
Adams, K. H. - Maintainer C&S
Hollobaugh, A. L. - Helper C&S

CLAIM NO. 2

System Docket No. 619 - Pittsburgh Division 187

(a) Claim that the Company violated Article I, Section 4 of the Agreement of February 7, 1965, when it failed to notify the employees of C. & S. Seniority District No. 13 that it was suspending operations and positions; thereby causing these employees to report for work at their respective starting time, Monday, July 17, 1967.

(b) Claim that each and every one of the employees listed below be paid eight hours at the straight time rate of their respective positions for Monday, July 17, 1967 account of violations cited in Claim (a) above:

Kalinowski, S. L. - Insp. C&S
Coward, H. B. - Insp. C&S
Staniscia, G. B. - Insp. C&S
Braun, U. J. - Foreman C&S
Diven, H. G. - Leading Maintainer
Templeton, T. C. - Leading Maintainer
McCrossin, J. D. - Maintainer Test
Dailey, L. W. - Maintainer Test
Dunning, D. R. - Maintainer C&S
Bennett, R. D. - Maintainer C&S
Young, M. C. - Maintainer Test
Putze, A. R. - Maintainer C&S
Shoup, W. E. - Maintainer C&S
Templeton, M. M. - Maintainer C&S
Sarver, D. F. - Maintainer C&S
Frederick, J. E. - Maintainer C&S
Steeves, B. R. - Maintainer C&S
Staniscia, Victor - Signalman
McAfee, R. L. - Assistant Signalman
Brosius, G. J. - Assistant Signalman
Carbonetti, P. D. - Assistant Signalman
Skomo, Joseph - Helper
Bronowicz, E. L. - Helper

EMPLOYEES' STATEMENT OF FACTS: Because of a strike by other railroad employees, Carrier posted a notice dated July 16, 1967, stating that in the event of a strike by Shop Craft employees on July 17, 1967, all existing positions will be temporarily suspended beginning at 12:01 A. M., July 17, 1967, for the duration of the strike.

The claims, identified on the property as System Docket No. 618 — Pittsburgh Division 188 and System Docket No. 619 — Pittsburgh Division 187 were properly progressed and were denied by the Carrier at all stages of the handling on the property. A copy of the Joint Submission in System Docket No. 618 — Pittsburgh Division 188 and the Director-Labor Relations' denial letter of January 2, 1969, are attached as Exhibits A and B, respectively. The Joint Submission and Director's denial letter in System Docket No. 619 — Pittsburgh Division 187 are not made exhibits for the reason they are similar in all respects to Exhibits A and B, except for the named claimants.

(Exhibits not reproduced.)

OPINION OF BOARD: The record indicates that this claim was also submitted to the Disputes Committee provided for by Article VII of the Agreement of February 7, 1965, and decided by Award No. 200 of Public Law Board No. 605. Since the issue has been decided by that Board there is nothing for this Board to decide. The claim will therefore 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; and

That the claim is moot.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 30th day of September 1970.