

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20132
Docket Number SG-19858

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(Chicago, Milwaukee, St. Paul and Pacific Railroad Company

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Lines West) that:

(a) Carrier violated the current Signalmen's Agreement, as amended, particularly the Scope, when, without previous knowledge to the Organization, it arranged for and/or permitted other than its own signal maintenance forces to perform signal maintenance work on the entire signal layout at Chehalis Junction Interlocking, with parts of signal network located on Milwaukee trackage after changes were made from manual to automatic control, which has been maintained entirely by Milwaukee Railroad signal maintenance forces for more than thirty years.

(b) Carrier should compensate Signal Maintainer J. H. Cole at the overtime rate (\$5.68 per hour when claim was initiated January 8, 1971) for two hours per week, in addition to his regular forty hours straight-time per week, beginning November 16, 1970, and continuing until the particular maintenance work is returned to Milwaukee Railroad signal maintenance forces or until the matter is settled by agreement between Carrier and this organization.
/Carrier's File: Case No. F-1072/

OPINION OF BOARD: A review of the entire record shows that the claim submitted to this Board has been enlarged beyond the claim handled on the property. Moreover, it appears that the original claim was resolved by the parties.

While the record is not precise in demonstrating the extent of the claim, the Board concludes that the Organization's correspondence of March 17, 1971 and April 29, 1971 limits the relief sought to the rights to perform certain work concerning the approach track circuits and distant signals located on Milwaukee Trackage. On June 23, 1971, the Carrier advised the General Chairman (while the dispute was being prosecuted on the property):

"...the maintenance of track approaches and distant signals which are retained in connection with the interlocking has already been agreed to be part of Maintainer Cole's responsibility for maintenance and operation under the agreement."

The claim submitted to this Board is much broader. It is long established that this Board is barred from consideration of issues raised here for the first time (Award 18122 (Dorsey)), and that charges or arguments not raised on the property may not be considered by this Board. Award 19746 (Lieberman). See also Awards 19454 (Cole), 19306 (Devine), 19101 (Dugan), 18656 (Devine) and 18247 (Dugan).

Because the parties reached agreement concerning the claim considered on the property, there is no issue properly before us for determination. See Award 18520 (Rimer). We will dismiss the claim.

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 dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulina
Executive Secretary

Dated at Chicago, Illinois, this 31st day of January 1974.