

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20343
Docket Number SG-20189

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(The Long Island Rail Road Company

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Long Island Rail Road that:

(a) Carrier violated the current Signalmen's Agreement, particularly the Scope, when it required and/or permitted employes of an outside contractor, Comstock Construction Company, to install impedance bonds at Corona substation on the North Shore Branch Line.

(b) Carrier should be required to pay to its employes of the construction gang one day's pay for each set of bonds installed by employes of said construction company in part (a) above.

OPINION OF BOARD: The Organization alleges that Carrier violated the Scope Rule when it contracted, to a construction company, certain work of installation of Impedance Bonds.

Among other defenses, Carrier asserts that the claim should be dismissed because it failed to properly identify the employees involved and it is vague and indefinite.

This Board has noted, on many occasions, that it should rule on the merits of an individual case whenever possible, however, we feel that the status of the record, as developed on the property, precludes us from doing so.

The initial claim sought a money award of one day's pay for each set of Impedance Bonds installed for "members of the signal construction gang." In reply, Carrier stated that the claim does not state the specific details relating to the case, and is "...ambiguous in relationship to the individuals that were adversely effected,...". The same letter discussed certain aspects of the installation.

In the appeal, the employees reiterated its money claim for members of the signal construction gang, and insisted that the reply supported the claim.

In the appeal to Carrier's President, the claim was reiterated in the same basic terms, but added certain assertions not material to the case. In the President's denial, Carrier again pointed out that the claim failed to name or identify the employees involved and on whose behalf the claim was made. It was again noted that the claim did not contain specific information concerning the alleged violations.

While it is not necessary to specifically name the employee(s) in a claim, he or they must be described in such a manner so as to be readily identifiable by the Carrier without further evidence or his (or their) identity must be ascertainable without undue difficulty. See Award 20054, and the Awards cited therein.

An Organization may not place a burden of guesswork on the Board so as to require it to engage in various speculations (Award 17740 - McCandless) and the identity of the Claimant must be described with particularity so as to make identity known under the prevailing circumstances. Award 11372 (Dorsey). Obviously, each dispute must be considered upon its own merits.

While there is question as to how many signal gangs Carrier maintained at the time, that aspect was not handled on the property and is not now properly before us.

We do not state that in all cases the designation of "construction crew" as Claimants would be fatal, but we feel that it is under the particular circumstances here.

The Carrier, on two occasions, placed the employees on notice that it did not consider the designation as being specific enough. The employees did not attempt to clarify the identity of Claimants in any manner, nor did they expand upon the nature of the alleged violations; which expansion might have contained information which would have identified the claimant. Thus, under this record, we feel that Award 20054 controls the disposition of the dispute, and the 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 Employee involved in this dispute are respectively Carrier and Employee 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 for reasons stated in the Opinion.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Pauls
Executive Secretary

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