

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20522
Docket Number SG-20459

William M. Edgett, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(Seaboard Coast Line Railroad Company

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Seaboard Coast Line Railroad Company that:

(a) Carrier violated and continues to violate the Signalmen's Agreement, particularly the Scope, when it permitted outside contracting firm - Ogilvie Electronics, Inc. - to wire and fabricate Defect Detectors.

(b) Carrier pay to Signal Foreman John Adams; Signalmen R. R. West, F. H. Clay, S. C. Austin, D. E. Winfried, and J. A. Scarbrought; Assistant Signalmen W. M. Bennett, K. B. Thomas, J. W. Keisler; and Signal Helper J. B. Bagley at their respective overtime rates a total of three hundred and fifty hours on a prorated basis for each Defect Detector wired by Ogilvie Electronics, Inc. of Jacksonville, Fla., as of May 10, 1972.

(c) Carrier make known to the Organization the total number of Defect Detectors wired and fabricated by Ogilvie Electronics, Inc. as of May 10, 1972.

[Carrier's File: 15-1 (72-2)]

OPINION OF BOARD: The present claim demands that ten named Claimants be allowed pay at their respective overtime rates for a total of three hundred and fifty hours on a pro rated basis "*** for each Defect Detector wired by Ogilvie Electronics, Inc. of Jacksonville, Fla., as of May 10, 1972." The Organization's General Chairman explained that he intended the claim to cover instances subsequent to May 10, 1972.

We have carefully searched the present record for evidence of such work having been performed in the manner alleged subsequent to May 10, 1972, and have found none.

In these circumstances the claim is hypothetical and we do not resolve such questions. (Awards 14409 and 16441) 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 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 should be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 22nd day of November 1974.