

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20690
Docket Number SG-20515

Irwin M. Lieberman, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(Norfolk and Western Railway Company

STATEMENT OF CLAIM:

Claim No. 1

(a) The Carrier violated the current Signalmen's Agreement, particularly the Scope and Rule 8 (1), when it used an employe not covered by the Signalmen's Agreement to replace a signal lamp in the switching signals at West Avenue, Portsmouth, Ohio, on Thursday, December 23, 1971.

(b) The Carrier now pay Signal Maintainer Nelson Bellar two and seven tenths (2.7) hours at his overtime rate of pay for the violation cited in part (a).

Claim No. 2

(a) The Carrier violated the current Signalmen's Agreement, particularly the Scope and Rule 8 (1), when it used an employe not covered by the Signalmen's Agreement to replace a signal lamp in the switching signals at West Avenue, Portsmouth, Ohio, on Wednesday, February 9, 1972.

(b) The Carrier now pay Signal Maintainer Nelson Bellar two and seven-tenths (2.7) hours at his overtime rate of pay for the violation cited in part (a).

Claim No. 3

(a) The Carrier violated the current Signalmen's Agreement, particularly the Scope and Rule 8 (1), when it used employes not covered by the Signalmen's Agreement to replace signal lamps in the switching signals at West Avenue, Portsmouth, Ohio, on Wednesday, February 16, 1972, and Saturday, February 19, 1972.

(b) The Carrier now pay Signal Maintainer Nelson Bellar five and seven-tenths (5.7) hours at his overtime rate of pay for the violation cited in part (a).

OPINION OF BOARD: The Claims herein concern the replacement of indicator lights on a switchtender's shanty on Carrier's property at Portsmouth, Ohio on various dates. Companion claims to this dispute, involving the identical work at the same location, were processed by this Board in Docket Number SG-20202. The Board in Award Number 20528 found that Petitioner had failed to meet its burden of proof and denied the claims presented in Docket Number SG-20202. The record in the instant dispute contains no new material evidence which would persuade us to change our view as expressed in the earlier case. For this reason we find Award 20528 to be controlling and must deny the Claims herein.

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 Petitioner has failed to meet its burden of proof.

A W A R D

Claims denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 17th day of April 1975.