

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20908  
Docket Number SG-20955

William M. Edgett, Referee

PARTIES TO DISPUTE: ( Brotherhood of Railroad Signalmen  
( Chicago and North Western Transportation Company

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Chicago and North Western Transportation Company:

(a) Carrier violated the current Agreement between the Brotherhood of Railroad Signalmen and the Chicago North Western Transportation Company, especially that part contained in Circular Letter No. 1380 referring to ICC Signal Inspection when it required signal maintainers to make various tests, inspections and records normally made by Leading Signalmen on test crew while test crew was engaged in crossing protection construction.

(b) Carrier should now be required to compensate the holders of Ldr. Signalmen and signalmen on the test crew at their respective punitive rates of pay for all time spent 60 days prior to Sept. 3, 1973 and continuing as long as this signal testing is required to be performed by signal maintainers and test men are engaged in other duties. This claim to cover all time spent by signal maintainer making regular signal relay or meggering tests performed by test crew since their establishment July 19, 1940. /Carrier's file: 79-8-154/

OPINION OF BOARD: The Petitioner's statement that the Carrier caused the work in dispute to be performed in the manner alleged is not denied. However, it is not shown that such performance occurred within the time period covered by the claim. Hence, the claim is hypothetical and we do not decide such questions. Awards 14409, 16441, 20522.

The claim will 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 Employes involved in this dispute are respectively Carrier and Employes within the meaning of the Railway Labor Act, as approved June 21, 1934;

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That this Division of the Adjustment Board has jurisdiction  
over the dispute involved herein; and

That an Agreement violation has not been shown.

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 16th day of January 1976.