

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21030
Docket Number SG-21041

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(Central of Georgia Railroad Company

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Central of Georgia Railway Company:

On behalf of Leading Signal Maintainer R. F. Stanfield, Macon, Georgia, for twelve (12) hours overtime on November 24, 1973, account Carrier used Signal Foreman B. F. Jones to take the place of another employee from 7 a.m. until 7 p.m. [Carrier file: SG-20]

OPINION OF BOARD: Rule 1 defines "Signal Foremen" and states that such individuals may not "...take the place of another employee."

On November 24, 1973 a crossing signal was damaged by a derailment. Carrier utilized a number of men, including Foreman Jones, to perform certain work, and Claimant urges that Jones assisted in the actual work, in violation of Rule 1.

Carrier has pointed out, on the property and to this Board, that prior to the incident in question, this Claimant had notified Carrier that he would not be available for duty during the pertinent time.

We are mindful of the series of Awards cited by Claimant that demonstrate that it is not Carrier's function to differentiate between claimants or assert that one individual may have a better claim than another. But, we do not read those Awards as suggesting that Carrier is foreclosed from showing that a particular individual has no basis for a claim in any event. This record, considered as a whole, shows that the instant Claimant had "marked-off" and was not available to be called to perform work. Thus, the question of whether Jones did or did not perform work is academic in this particular dispute.

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;

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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 Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A.W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 31st day of March 1976.