

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21099
Docket Number SG-21053

Frederick R. Blackwell, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(The Chesapeake and Ohio Railway Company
(Chesapeake District)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood of Railroad Signalmen on the Chesapeake and Ohio Railway Company (Chesapeake District):

a) The Carrier violated the current Signalmen's Agreement, particularly Scope Rule 1, when on and after March 22, 1973, it continues to assign, or otherwise allow, other than its Signal Employees to repair and/or maintain the Car Retarder System Air Compressors located in its signal shop building at Walbridge Yard Hump, Walbridge, Ohio. As a result,

b) Carrier now compensate its Signal Employees named below at their applicable pro rata rate of pay, and for a comparable amount of time, for violation cited in part (a):

Russell G. Hagley	Railway ID No. 2286679
Ross A. Updegraff	" 2288320
William B. Bleau	" 2289492
Clarence T. Barney	" 2289466
Charles Mullholand	" 2282758
William E. Rossman	" 2287158
Elbert Broughton	" 2270595
Larry A. Jodouin	" 2606917
Clayton W. Jividen	" 2289277
Elmer O. Horner, Jr.	" 2098915
Paul M. Johnson, Jr.	" 2192973

c) Inasmuch as this is a continuing violation, said claim to be retroactive sixty (60) days from date of filing (March 22, 1973) and to continue until such time as Carrier takes necessary corrective action to comply with violation cited in part (a).

[General Chairman file: 730518-216. Carrier File: SG-344]

OPINION OF BOARD: The record reflects that a claim was filed under date of May 18, 1973, alleging a continuing claim on the ground that the Carrier violated the Signalmen's Agreement when, on and after March 22, 1973, it allowed work covered by said Agreement to be performed by employees other than Signalmen.

The record fails to reflect any facts which show that the subject work was performed in the manner complained of on March 22, 1973, and the record also fails to reflect any instance thereafter of the subject work having been performed in the manner complained of on any date covered by the Submissions. The record is thus barren of the requisite evidence to support the claim and the claim must therefore 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 of the dispute involved herein; and

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. Paulsen
Executive Secretary

Dated at Chicago, Illinois, this 29th day of June 1976.