

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21269
Docket Number SG-21140

Irwin M. Lieberman, Referee

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

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Norfolk and Western Railway Company:

(a) The Carrier violated the current Signalmen's Agreement, particularly the Scope and Rule 8 (1), when it used an employee not covered by the Signalmen's Agreement to perform signal work at Portsmouth, Ohio.

(b) The Carrier now pay Signal Maintainer Nelson Bellar two and seven-tenths (2.7) hours at his overtime rate of pay for violations on each of the following dates: June 1 & 20, July 13, August 17, September 29, November 6, and December 5, 1973.

The foregoing is a combination of seven separate incidents that were handled separately on the property as six separate claims, denied at the top level in letters dated: April 16, 1974 (for June 1); May 7, 1974 (for June 20 and July 13); May 21, 1974 (for August 17); June 21, 1974 (for September 29); September 18, 1974 (for November 6); October 4, 1974 (for December 5).

OPINION OF BOARD: There have been three previous awards of this Board involving the same parties, Claimant, work and issues at the same location as that herein. In the three prior cases, all involving identical maintenance work, we have denied the Claims. In Award 10911 we stated:

"When the Division has previously considered and disposed of a dispute involving the same parties, the same rule and similar facts presenting the same issue as is now before the Division, the prior decisions should control. Any other standard would lead to chaos."

The record in the instant dispute contains no new information or evidence or argument which would persuade us to change our view from that expressed in the earlier decisions. We must deny the claim herein on the ground of res judicata.

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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 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 15th day of October 1976.