

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21417
Docket Number SG-21540

David C. Randles, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(Southern Pacific Transportation Company
((Pacific Lines)

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Southern Pacific Transportation Company that:

(a) the Southern Pacific Transportation Company violated the Agreement between the Company and its employees in the Signal Department represented by the Brotherhood of Railroad Signalmen, particularly the Scope rule, effective October 1, 1973.

(b) Mr. A. C. Chan and Mr. C. K. Magnes be allowed compensation for two (2) hours and forty (40) minutes each at their overtime rate for September 30, 1974. /Carrier file: SIG 152-341/

OPINION OF BOARD: The sole issue before the Board in this case concerns the damages properly allowable for the incident involved. Rule 72 of the parties' Agreement lays down a rule of damages that is binding upon all concerned, and Claimants have failed to prove that they are entitled to any additional compensation under that rule; therefore, the claim must be denied.

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 Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. W. Paulson
Executive Secretary

Dated at Chicago, Illinois, this 18th day of February 1977.