

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21423
Docket Number SG-21381

Nicholas H. Zumas, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(Southern Railway Company

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Southern Railway Company
et al:

On behalf of Signal Maintainer J. F. Shankles, Brosnan Yard, for two minimum call payments account Maintainer Naylor being called and used to clear signal trouble at 3:30 a.m. July 20, 1974, and at 5:50 a.m. July 25, 1974. /Carrier file: SG-59/

OPINION OF BOARD: The Organization, on behalf of Claimant, makes a claim for two minimum call payments because another employee was called and used to clear signal trouble on two separate claim dates. 1

Carrier asserts that Claimant was called by telephone on the two dates involved but he failed to answer the telephone. The Claimant contends that he was at home and available but the telephone calls from Carrier never came. 2

Obviously, at this level, the Board has no way of resolving evidentiary conflicts. We have neither the authority nor the competence to resolve such conflicts in the evidence of record. On the state of this record, the Board has no alternative but to dismiss the claim. 3

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.

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Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. W. Pauls
Executive Secretary

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

