

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21481
Docket Number SG-21263

James C. McBrearty, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(The Washington Terminal Company

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on The Washington Terminal Company:

On behalf of A. L. Watkins and C. S. Rhodes on an equal basis for P.C. RR telephone men working on telephone cable at K Tower on May 29, 1974 between 10:00 a.m. and 1:00 p.m.

(Carrier file: Claim BRS-74-2)

OPINION OF BOARD: The central question in the instant case is whether or not the employees have shown that the work performed was with the knowledge and consent of Washington Terminal Company.

A careful review of the entire record, as well as the arguments of the parties, reveals that the Washington Terminal Company neither knew of, nor consented to, the work performed by PCRR telephone men at K Tower.

We have previously held (Awards 12907, 7793 and 4992) that voluntary service, absent direction and authority to perform such service, cannot be asserted to support a claim. Under the circumstances, therefore, we have no alternative but to deny the claim.

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

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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. Paulos*
Executive Secretary

Dated at Chicago, Illinois, this 31st day of March 1977.

