

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21569  
Docket Number SG-20896

Lloyd H. Bailer, Referee

PARTIES TO DISPUTE:

(Brotherhood of Railroad Signalmen  
(  
(Robert W. Blanchette, Richard C. Bond, and  
( John H. McArthur, Trustees of the Property  
( of Penn Central Transportation Company,  
( Debtor

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the former Pennsylvania Railroad Company:

System Docket 681  
Eastern Region - Chesapeake Case No. 228

(a) That the company violated Article 2, Section 23(h) of the current agreement when it called and allowed a junior employee, A. R. Estes, Jr., Signalman, Baltimore, and J. Buzzuro, Leading Maintainer, Edgewood Tower, to work a wreck at Virginia Tower, Washington, D. C. The two employees were called at 11pm and 9pm respectively August 12, 1968, and worked until 5pm April /Sic - should be August/ 13, 1968. Mr. Buzzuro is not of our section or territory. T. D. Diven called the Power Director at 9:30 pm August 12, 1968, but was told he was not needed. M. L. Bohlayer was not called. He was home and available.

(b) That T. D. Diven be reimbursed 10.5 hours and M. L. Bohlayer be reimbursed 12 hours, both at the overtime rate.

OPINION OF BOARD: The record in this dispute is outstanding in the failure of each party to substantiate its position, being content to point to what it considers to be error in the position of the other. In such circumstances we can only look to the account of the handling of the dispute on the property.

The Petitioner shows that during such handling the Carrier offered to pay each claimant a sum equal to four hours straight time in order to dispose of the claim. Our analysis of the record indicates that that offer should have been accepted. Without further evidence, it appears that the offer constitutes a proper disposition of the claim. Our decision is without prejudice to the position of either party with regard to any argument advanced in this case.

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 question of Agreement violation was disposed of in the Opinion of Board.

A W A R D

Claim sustained per Opinion of Board.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

  
Executive Secretary

Dated at Chicago, Illinois, this 17th day of June 1977.