

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21605
Docket Number SG-21532

Robert J. Ables, 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 the senior Assistant Signalman in Signal Gang #3 for the difference between the rate of Assistant Signalman and the rate of Signalman, retroactive for a period of sixty days from October 29, 1974, and continuing thereafter as long as the temporary signalman position is left open on Signal Gang #3 in violation of paragraph 2 of the System Signal Gang Agreement. /Carrier's file: SG-74/

OPINION OF BOARD: The facts and circumstances in this case are the same as those considered in Award 21604 which were argued and considered at the same time as this dispute, except that claimant in this case has not alleged that the Carrier violated Rule 30 of the Agreement.

On the authority of that decision, it is found that the Carrier violated the System Signal Gang Agreement of May 1, 1974 and that claimant shall be paid at the signalman's rate as claimed until January 2, 1975, the day the regular signalman returned to his signalman's position in the gang in issue.

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 Employes involved in this dispute are respectively Carrier and Employes 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 violated.

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Claim sustained. Back pay in accordance with the opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: *A. W. Pauls*
Executive Secretary

Dated at Chicago, Illinois, this 29th day of July 1977.

