

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22381
Docket Number SG-22316

Abraham Weiss, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(Atlanta and West Point Railroad Company-
(The Western Railway of Alabama
(Georgia Railroad

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Atlanta and West Point Railroad Company - The Western Railway of Alabama:

On behalf of Telephone Maintainer F. L. Thigpen, headquartered at Atlanta, Georgia, when Carrier used Signal Inspector David Danials on claimant's territory, at derailment on July 5-6, 1976 at/or near Hogansville, Georgia, in violation of the current Signalman's Agreement, as amended, particularly Rules 1 and 18. That a joint check of the Carrier's records be made to determine the actual hours worked. This claim to be at the overtime rate of pay."

OPINION OF BOARD: On July 5, 1976, a Signal Inspector was directed by the Carrier to transport a portable generator to a derailment site. The Signal Inspector is covered by the same agreement as the Claimant, a telephone maintainer. The Agreement also embraces two other classes of work -- signalman and signal maintainer.

The Claimant contends that the transportation of the generator is not signal inspector's work, and, therefore, he should have been called. The Organization argues that Rule 1, which defines the classification of Signal Inspector, limits such employees to inspecting and testing of signal appliances. However, we do not read such a limitation in the Rule. We have many times stated that a Claimant seeking to support a claim such as the instant claim must show by contract language or past practice that the disputed work is reserved to his class in lieu of others. There has been no such showing here and the claim will 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: AW. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 16th day of April 1979.

