

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22403  
Docket Number SG-22321

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, headquarters Atlanta, Ga., for nine hours' overtime pay account Carrier using Telephone Maintainer Roy Newsome, headquarters Montgomery, Ala., to clear telephone trouble on claimant's territory July 5, 1976, 7:30 a.m. to 4:30 p.m."

OPINION OF BOARD: A malfunction occurred on Claimant's territory on July 5, 1976. There is no question the Claimant was entitled to be called. 1

The Carrier asserts Claimant was called twice and the Claimant was not at home. The Claimant asserts, in response, that he was home and available. 2

The Board is without a vehicle to resolve this conflict in evidence and the claim must be dismissed for lack of proof. 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

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That the claim be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: *A.W. Paulson*  
Executive Secretary

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

