

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22510
Docket Number SG-21959

James F. Searce, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(The Atchison, Topeka and Santa Fe
(Railway Company

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Atchison, Topeka and Santa Fe Railway Company:

General Chairman file: 077. Carrier file: 14-1940-160.2-4

(A) Carrier violated Signalmen's Agreement, Article I, Section II, when it required Signal Inspector, O. L. Carter, to carry LCS unit to Snyder, Texas to avoid paying Slaton maintainer a four hour call.

(B) Carrier should pay Signal Maintainer, G. R. Angerer, Slaton, Texas additional time equal to a four hour call because of loss of work opportunity and/or as a consequence of the violation."

OPINION OF BOARD: The Claimant, a Signal Maintainer in Carrier's service at Slaton, Texas, claims that the Carrier violated its Agreement with the Petitioner in having its Signal Inspector (an Agreement-covered employe) transport signal material for a repair job. The material was moved from Carrier's facilities at Slaton to Pyron, Texas. /

Throughout handling on the property, the claim was progressed on the contention that the Carrier violated Agreement Article I, Section 2; there is nothing in this provision which prohibits the Carrier's conduct here in question. 2

In apparent recognition that Article I, Section 2 does not support the claim, the Petitioner, in submitting to this Board, relied upon Article II, Section 11-(a)-2. The Carrier points out that such argument was not handled on the property, and correctly maintains that it cannot now be considered by us. (Consequently, we make no decision regarding Article II.) 3

The claim must be dismissed.

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 Claim must be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 17th day of September 1979.