

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22801
Docket Number SG-22776

George E. Larney, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(Louisville and Nashville Railroad Company

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood
of Railroad Signalmen on the Louisville and Nashville
Railroad Company:

On behalf of Signal Maintainer E. E. Gaines (the senior signal maintainer on seniority district No. 2) for six hours at time and one-half rate account a Foreman called to perform maintainers work in violation of the Signalmen's Agreement Rules 3 and 52(c)."

[Carrier file: G-265-4 G-265]

OPINION OF BOARD: The claim before us was initiated by the Local Chairman on behalf of E. E. Gaines, Senior Signal Maintainer assigned to Carrier's seniority District No. 2 located in Eastern Kentucky. The Organization alleges that the Carrier violated Rules 3 and 52(c) of the Signalmen's Agreement, when on Sunday, June 19, 1977, Carrier failed to call the Claimant to work on signal trouble and instead utilized the service of a Signal Foreman.

Upon a thorough review and examination of the record, the Board determines it cannot render an Award on the merits of the instant case because the Local Chairman who initiated the claim has advanced the Organization's position based on the wrong agreement rules. Clearly, under the surrounding circumstances of the instant situation, Rules 3 and 52(c) bear no relation to the claim at hand. In support of this judgment we note that in the reply brief filed by the President of the Organization, the relevant Rules, 18 and 23 are cited as the basis for argument, with brief reference to Rule 3 and no reference to Rule 52(c).

It is critically important for those advancing a claim to do so based on relevant rules and employing appropriate argument.

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 be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A.W. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 31st day of March 1980.