

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23440
Docket Number SG-23170

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: { Brotherhood of Railroad Signalmen
(Missouri Pacific Railroad Company

STATEMENT OF CLAIM: "Claims of the General Committee of the Brotherhood of Railroad Signalmen on the Missouri Pacific Railroad:

Claims on behalf of the following employees for dinner meal expense while working away from headquarters during the month of January 1978.

Claim No. 1. Carrier file: K 225-781 cc: 225-734.

Signalman K. R. Shaver, Gang 1412, Houston, Texas, for \$19.25 covering expense for evening meals on January 17, 24, 25 and 26, 1978.

Claim No. 2. Carrier file: K 225-782 cc: 225-734.

Signal Maintainer F. Patterson, Gang 1406, Houston, Texas, for \$26.70 covering meal expense for evening meals on January 16, 17, 20, 24, 25 and 26, 1978."

OPINION OF BOARD: The Claimants have submitted a claim for meal expenses for certain designated days. Rule 304(c) of the Agreement specifies that employees shall not be required to work more than 2 hours after regular bulletin hours without being permitted to go to meals, and provides for meal periods at further 6 hour intervals. Rule 600(e) makes certain reference to expense payments.

According to the Claimants, the Carrier arbitrarily refused to reimburse them for dinner expenses incurred while they were performing work away from their assigned headquarters for more than 2 hours after their assigned working hours.

The Carrier has noted that the claim, as progressed, was rather sketchy concerning factual assertions, and in any event, the Employees are attempting to expand the cited rules beyond their true meaning.

The Board has fully reviewed the record, and with the information available to us, we are unable to sustain the claim. Regardless of whether or not the Carrier violated any provisions of the Agreement by its action, the fact remains that this claim is for expense payments, and we do not find any contractual basis to substantiate the claim based upon the facts as we understand them. We emphasize that this Award deals only with the precise issues presented to us, and does not contemplate other potential areas of conflict.

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 Employee involved in this dispute are respectively Carrier and Employee 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:

A. W. Paulsen

Executive Secretary

Dated at Chicago, Illinois, this 3rd day of November 1981.

