

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23908  
Docket Number SG-23184

Martin F. Scheinman, Referee

PARTIES TO DISPUTE: { Brotherhood of Railroad Signalmen  
{ Southern Railway Company

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Southern Railway Company et al:

Claim on behalf of the following signal employes for meal expenses they incurred over the \$9.00 daily maximum meal allowance arbitrarily set by the Carrier.

Claim No. 1. Signalman S. A. Thornton - General Chairman file: SR-78  
Carrier file: SG-354.

Claim No. 2. Signalman R. C. Butts - General Chairman file: SR-76  
Carrier file: SG-356.

Claim No. 3. Signalman W. C. Burgess - General Chairman file: SR-73  
Carrier file: SG-357.

Claim No. 4. Signalman W. M. Robinson - General Chairman file: SR-72  
Carrier file: SG-358."

OPINION OF BOARD: This case involves the Organization's claim for meal expenses for several employes in excess of the \$9.00 daily maximum meal allowance set forth by Carrier. The Organization asserts that employes are entitled, pursuant to Rule 12b, to receive "actual necessary expenses". It insists that Carrier had no right to unilaterally establish the \$9.00 ceiling for expenses. In the Organization's view, employes are entitled to receive "true, real or genuine expenses" incurred.

Rule 12b states, in pertinent fact:

"12b Employees covered by this agreement will be paid actual necessary expenses for meals on each day which the employee renders compensated service. Receipts for meals will not ordinarily be required."

This precise issue, involving these same parties, was decided by this Board in Award 23190. There, we determined that Carrier's imposition of a \$9.00 maximum did not constitute a violation of the Agreement.

Nothing presented here convinces us that our decision there was palpably erroneous. In the absence of such proof, consistent with the time honored rule of stare decisis, we will dismiss the claim in its entirety.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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: Acting Executive Secretary  
National Railroad Adjustment Board

By

  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 8th day of June 1982.

