

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24495
Docket Number SG-24529

Edward L. Suntrup, 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:

(a) Carrier violated the provisions of Rule 37, effective May 1, 1974 revised August 7, 1974, of the Signalmen's Agreement, when they failed or refused to call Signal Maintainer D. A. Green, who was being held for call on December 27 and 28, 1980, to repair a signal failure on Signal Maintainer D. E. Johnson's territory which joins Signal Maintainer D. A. Green's territory on the south end. Carrier called Signal Maintainer Johnson who was not being held for call to clear a failure in the signal system at Mile Post 244.2G.

(b) Carrier should now be required to compensate Signal Maintainer D. A. Green an amount equal to a minimum call of two (2) hours and forty (40) minutes at his overtime rate of pay for this loss of work opportunity and because Rule 37 of the Agreement was violated."

(General Chairman file: SR-212. Carrier file: SG-491)

OPINION OF BOARD: The instant case centers on the contention of Claimant, Signal Maintainer D. A. Green that Carrier was in contravention of current Agreement Rule 37 when it called, in lieu of himself, Signal Maintainer D. E. Johnson to repair a signal failure on the week-end of December 27-28, 1980. The instant claim assumes, by reference to Rule 37, that the work occurred in the territory to which the Claimant was assigned and for which he was held on call on the week-end in question.

An analysis of the record before the Board does not support such claim nor does it warrant conclusion that the Carrier was in violation of Rule 37 (c) or (d), nor other sub-sections when it assigned the work in question to Signal Maintainer Johnson. Since the Claimant had no contractual right to be called to perform the disputed work the claim is herein denied.

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

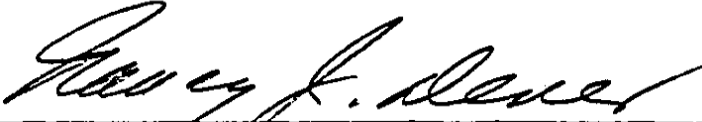
That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:



Nancy J. Dever
Executive Secretary

Dated at Chicago, Illinois, this 3rd day of August 1983.

