

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25428  
Docket Number SG-25620

John E. Cloney Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen  
(  
(Consolidated Rail Corporation

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Consolidated Rail Corporation:

System Docket 2005-C, Eastern Region Case ENA-SI-10/82

Claim of C. T. Heitzman for twelve (12) hours on July 24, 1982, three (3) hours meal allowance and one (1) hour travel time, all at the time and one half rate, account not called for overtime on such date.

OPINION OF BOARD: The Organization bases its claim upon an alleged failure to call Signal Foreman C. T. Heitzman for overtime on July 24, 1982. His tour of duty was 7:00 A.M.-3:30 P.M. with rest days of Saturday and Sunday at the time in question. A Maintainer who had been dispatched to correct a signal problem found the signal vandalized and determined he needed help, together with a Foreman, to make the necessary repairs. When he reported this to the Carrier's Trouble Desk the next Signal Maintainer on the call list was called at 11:00 P.M. and accepted the work. Claimant was admittedly the first Foreman on the call list. The Carrier asserts he was called at about 11:00 P.M. but was not available for duty. Thereafter Foreman Yeastedt was called and he worked.

The Organization denies Claimant was called and in support has included a copy of the Trouble Desk Report as an Exhibit with its Ex Parte Submission. The Carrier contends the portion of the Trouble Desk Report submitted merely contains information pertaining to employees who accepted calls. In attempted support of this position the Carrier has included as part of its Ex Parte Submission what it describes as the reverse side of the Trouble Desk Report, showing the names of men called, whether they were available, whether the phone was answered or not, etc. The Organization objects to this document as not having been submitted during the handling on the property and prior to service of Notice of Intent to file with the Board. We agree and have disregarded that Exhibit in our consideration of this case.

In our view however the Report proffered by the Organization at most is evidence of the admitted fact that Claimant did not perform work. There is no indication on the Exhibit to suggest whether Claimant was or was not called. The evidence before us is insufficient to establish the Carrier did not call Claimant as it contends it did, and we therefore conclude the Organization has not met its burden of establishing a violation of the Agreement.

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

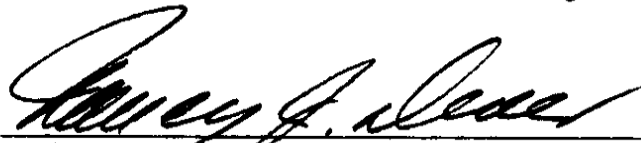
That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

  
Nancy J. Deyer - Executive Secretary

Dated at Chicago, Illinois, this 30th day of April 1985.