

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25638  
Docket Number SG-25732

Lamont E. Stallworth, 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 Consolidated Rail Corporation.

The Carrier violated the Scope Rule of the current agreement when it allowed supervisory personnel to perform work reserved to Signalmen.

Carrier should be required to compensate Claimant D. W. Carey for sixteen hours at the Signalmen's rate."

[Carrier file No. SD-2039-C Eastern Case En(B)SI-283]

OPINION OF BOARD: The initial Claim handled on the property alleged that G. R. Vaughn, Assistant Signal Supervisor, between September 13, 1982 and September 17, 1982, made wiring changes to circuits for signal 225-1 to accomodate a relocation of that signal, in violation of the Scope Rule in the current working agreement which became effective September 1, 1981. Claim was made on behalf of D. W. Carey, furloughed signalman, for sixteen hours pay at the Signalman's rate. The Claim was denied and thereafter was progressed up to and including the Senior Director Labor Relations, who denied the Claim by a letter dated May 12, 1983. The Claim is now properly before the Board.

Upon a careful consideration of the record in its entirety, the Board concludes that the record fails to reflect any facts which show that the subject work was performed in the manner complained of during the period September 13, 1982 and September 17, 1982, and the record also fails to reflect any instance thereafter of the subject work having been performed in the manner complained of on any date covered by the Submissions. The record is thus barren of the requisite evidence to support the Claim and the Claim must therefore be denied.

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 Employes involved in this dispute are respectively Carrier and Employes 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. Dover - Executive Secretary

Dated at Chicago, Illinois this 19th day of September 1985.

