

The Third Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(CSX Transportation, Inc. (former GA/AWP and WRA)

STATEMENT OF CLAIM: "Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Seaboard System Railroad Company (AWP-GA-WofA)

Claim on behalf of Signalman J. F. Williams, assigned to the Georgia-A&WP-WR of A roads for the following:

(a) Carrier violated the Signalmen's Agreement, particularly Rule 34, when it allowed Mr. Bray, a junior employee, to work a Signalman's position that was not offered to Mr. Williams, a senior employee.

(b) Carrier now be required to compensate Signalman J. F. Williams for 56 hours and 30 minutes at his overtime rate of pay for his loss of work opportunity. GC file FL-82, Carrier file 15-34-(86-17)."

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

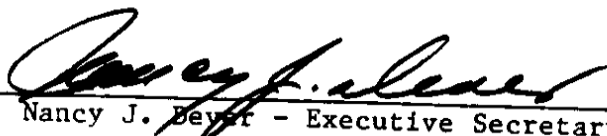
A review of the record established on the property reveals that the Carrier did not adequately refute the Organization's position. However, the Claim is excessive. The Board will award Claimant the difference in pay between what he actually earned as a Signalman and what he would have earned had he worked as a Signal Maintainer during the involved period.

A W A R D

Claim sustained in accordance with the Findings.

Award No. 28223
Docket No. SG-28370
89-3-88-3-134

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: 
Nancy J. Bever - Executive Secretary

Dated at Chicago, Illinois, this 4th day of December 1989.