

CORRECTED

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 28322
Docket No. SG-28468
90-3-88-3-270

The Third Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(CSX Transportation, Inc.
(Baltimore and Ohio Railroad Company)

STATEMENT OF CLAIM: "Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Chessie System (B&O):

Claim on behalf of Foreman Roger L. Cale (I.D. 1515121), Signalman Larry D. Goff (I.D. 1510100), Signalman William W. Curnutte (I.D. 1511904), Signalman Lonnie D. Weaver (I.D. 1513095) Headquarters Rowlesburg, W.V.; assigned hours 7 A.M. to 3:30 P.M.; meal period 11 A.M. to 11:30 A.M.; rest days Saturdays, Sundays and Holidays.

(a) Carrier violated the current Signalman's Agreement, as amended, particularly Rule 59(C), where it states that an employee shall be reimbursed for lodging expenses not in excess of \$4.00 per day.

(b) Carrier should be required to compensate Foreman Cale, and Signalmen Goff, Curnutte and Weaver \$4.00 per day for a period of Sixty (60) days prior to the receipt of this claim and for all days until this matter has been resolved. Carrier file 15-59 (87-35)."

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 employees 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.

This is a Claim for lodging expenses for "a period of sixty (60) days prior to the receipt of this claim and for all days until this matter has been resolved."

The Claimants were headquartered at Rowlesburg, West Virginia. The Carrier, as a threshold argument, contends that this matter should be set aside because the Claim was not submitted within sixty (60) days of the date of the alleged violation. Although such an argument in this instance is not without some merit, under the circumstances, we conclude that this dispute should be addressed on its merits.

Both parties have provided materials and arguments in their Submissions which were not brought forth on the property. Accordingly, these will not be considered in our deliberations of this matter. Turning to the elements properly before us, there is insufficient data to conclude that a violation has occurred. For example, there has been no showing that the Claimants were required to be away from their headquarters and no specific dates have been provided when lodging expenses were incurred by the Claimants.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: 
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 29th day of March 1990.