

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISIONAward No. 29015  
Docket No. SG-29001  
91-3-89-3-425

The Third Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen  
(  
(Southern Pacific Transportation Company (Western Lines)

STATEMENT OF CLAIM: "Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Southern Pacific Transportation Company (SPTC-WL):

On behalf of L. C. Durrant, for payment of 2 hours and 40 minutes pay at his punitive pay, account of Carrier violated the current Signalmen's Agreement, as amended, particularly, Rule 19, when it failed to call him for work on his assigned territory on Sunday, October 9, 1988." Carrier file SIG-125-214.

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.

Claimant is a Signal Maintainer headquartered at Fernley, Nevada. On Sunday, October 8, 1988, a problem, in the form of a track occupancy indication, appeared around Mile Post 276 on Claimant's territory. Claimant was required by Agreement to be called to fix this problem. Carrier contends that Claimant was called, but could not be contacted.

Carrier subsequently ordered another Signal Maintainer, who was on duty to proceed to Mile Post 276 and correct the problem. A Claim for two hours and forty minutes at the overtime rate was submitted. The Claim was denied and has been placed before the Board for resolution.

This record does not present to the Board sufficient probative evidence on which to make a decision. It is one more in a long line of cases

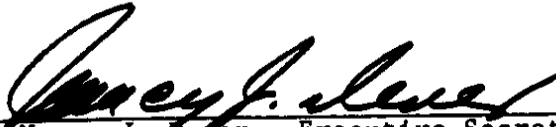
involving call-ins where employees claim to have been available and Carrier contends that the employee was called but was not available. In many Awards (too numerous to be cited here), we have dismissed such cases as not containing sufficient material facts on which to base a decision. We will follow that practice here as well.

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 28th day of October 1991.