

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 29274
Docket No. SG-29426
92-3-90-3-358

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
(
(Consolidated Rail Corporation

STATEMENT OF CLAIM: "Claim on behalf the General Committee of the Brotherhood of Railroad Signalmen on the Consolidated Rail Corporation (CONRAIL):

Claim on behalf of J. M. Hoffnagle, for payment of three (3) hours pay at his punitive rate of pay, account of Carrier violated the current Signalmen's Agreement, as amended, particularly, APPENDIX 'P', when it did not call him on January 28, 1989, at 3:11 a.m. to perform maintainer's trouble work." Carrier file SG-88. BRS file Case No. 7920-CR.

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.

The event leading to this claim occurred on January 28, 1989, at approximately 3:30 A.M. when a Carrier Police Officer found a piece of metal lying across the track and removed it.

The Claimant asserts a loss of work opportunity because he was not called to remove the piece of metal. He contends a violation of the Scope Rule.

The Organization has failed to meet its burden of proof in this case. We find nothing in the Scope Rule applicable here that removing dangerous debris from the track is work belonging to the Organization.


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A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: 
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 12th day of June 1992.