

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISIONAward No. 29928  
Docket No. SG-30225  
93-3-91-3-678

The Third Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen  
(  
(Consolidated Rail Corporation

STATEMENT OF CLAIM: "Claim on behalf of the General Committee  
of the Brotherhood of Railroad Signalmen:

Claim on behalf of J. Pichalski, for 4 hours pay at his punitive rate of pay, account of Carrier violated the current Signalmen's Agreement, as amended, particularly APPENDIX 'P', when it made no attempt to call him for signal trouble on his assigned territory at 5:20 p.m., on June 7, 1990." Carrier File SG-284. BRS Case No. 8562-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 employe 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.

At 3:24 PM, on June 7, 1990, trouble occurred within Claimant's territory. The location of the problem was about five minutes traveling time from Claimant's home. Two hours later, Carrier dispatched an Electronic Technician to the site, who repaired the malfunction. In its submission Carrier argues that an emergency existed and that it used the nearest employee during his regular tour to respond to the call. This argument is not supported by the record. Carrier waited two hours before dispatching an employee to the site of the problem. The employee assigned was not the nearest employee. Further, the employee assigned did not perform the work during his regular tour, but instead did so on overtime, as his scheduled quitting time was 4:00 PM.

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A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest: Catherine Loughrin  
Catherine Loughrin - Interim Secretary to the Board

Dated at Chicago, Illinois, this 2nd day of December 1993.