

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 31069
Docket No. SG-31300
95-3-92-965

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

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(Houston Belt and Terminal Railway Company

STATEMENT OF CLAIM:

"Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen (BRS) on the Houston Belt and Terminal Railway:

Claim on behalf of K.R. Zumwalt, Jr. for payment of two hours at the time and one-half rate account Carrier violated the current Signalmen's Agreement, particularly Rule 602(c), when it failed to properly compensate the Claimant for work performed outside of his regular assigned hours on a planned project on November 21, 1991. General Chairman's File No. 92-11-H-A. BRS File Case No. 8737-HBT."

FINDINGS:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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 dispute in this case is, in all meaningful aspects, the same as the dispute which was examined by and ruled upon in Third Division Award 30610. The disputing parties are the same. The same on-property incident gave rise to both claims. The same Agreement Rules are involved in both claims. The same arguments were advanced in both claims. In short, this case is a virtual mirror image of the dispute which was decided by Award 30610.

The Board has no reason to disagree with any of the conclusions reached in Award 30610. The decision expressed therein is adopted as our conclusion in this case. The claim as outlined in the STATEMENT OF CLAIM, supra, is denied.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 1st day of September 1995.