

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 31332
Docket No. SG-31340
96-3-93-3-370

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
(Consolidated Rail Corporation

STATEMENT OF CLAIM:

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

Claim on behalf of L.E. Thompson, D.J. Gamber and L.W. Kramer for payment of 40 hours each at the straight time rate, account Carrier violated the current Signalmen's Agreement, particularly Rule 2- E-1(a), when it failed to provide sufficient notice of the abolishment of the Claimants' positions. Carrier's File No. SG-476. General Chairman's File No. RM2319-105-782. BRS File Case No. 9013-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 employee or employees involved in this dispute are respectively carrier or 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 fact situation in this case is not in dispute. Carrier candidly asserted in its Submission to the Board in this case that:

"An issue identical to that in the instant case, albeit involving slightly different circumstances, is currently before this Division as Docket No. SG-30762. The Carrier requests that the two cases be heard together, or if that is not possible, by the same referee."

Docket No. SG-30762 subsequently became Third Division Award 30612 in which the position of the Organization was sustained. That Award has been reviewed and is found to be properly dispositive of the issue contained therein. Inasmuch as it is acknowledged by Carrier that the issue in that case is "identical to that in the instant case," the Board concludes that the decision in Award 30612 is equally dispositive of the instant dispute. Award 30612 is, by reference, made a part of this Award.

AWARD

Claim sustained.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 25th day of January 1996.