

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 31989
Docket No. SG-32604
97-3-95-3-541**

The Third Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

(Brotherhood of Railroad Signalmen

PARTIES TO DISPUTE: (

(National Railroad Passenger Corporation (AMTRAK)

STATEMENT OF CLAIM:

"Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the National Railroad Passenger Corporation (NRPC-N):

Claim on behalf of R. F. Parfitt for payment of five hours at the straight time rate, account Carrier violated the current Signalmen's Agreement, particularly the Scope Rule, when it used an employee not covered by the Agreement to perform the covered work of cutting tree limbs obstructing a signal at Mile Post 171.91 on June 21, 1994, and deprived the Claimant of the opportunity to perform this work. Carrier's File No. NEC-BRS(N)-SD-683. BRS File Case No. 9618-NRPC(N)."

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 were given due notice of hearing thereon.

This dispute centers around the Carrier's assignment of a Communications employee rather than Claimant to remove tree limbs on June 21, 1994 which were reported obstructing a train crew's ability to see the indication of a signal at Mile Post 171.91 at East Greenwich, Rhode Island.

The Organization has not met its burden to demonstrate that the particular work involved fell under its Scope Rule.

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 6th day of May 1997.