

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 32597
Docket No. SG-33221
98-3-96-3-698**

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

**(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(CSX Transportation, Inc. (former Seaboard Coast
(Line Railroad Company)**

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the CSX Transportation Company (former Seaboard Coast Line):

Claim on behalf of J.H. Smith and the other employees identified in the Organization's claim dated July 20, 1995, for payment of one hour each per day at the straight time rate, beginning May 22, 1995 and continuing for the term of the violation, account Carrier violated the current Signalmen's Agreement, particularly the Scope Rule and Agreement S-069-87, when it used other than covered employees to refurbish signal heads and deprived the Claimants of the opportunity to perform this work. Carrier's File No. 15(95-239). BRS File Case No. 9943-SCL.”

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.

The instant claim was filed on behalf of 33 employees at Carrier's Savannah, Georgia, Signal Shop, alleging that Carrier subcontracted the refurbishing of 300 R2 signal heads. Carrier contends, however, that although signal heads had been refurbished on the property in the past, in the instant case, it purchased new pre-assembled doublet lenses for installation in wayside signal devices.

It is well-established that Carrier does not violate the Agreement by purchasing pre-assembled components. See, e.g., Third Division Awards 32290, 32135, 28879. Consequently, the Organization had the burden of proving that the signal heads were refurbished away from the property and that Carrier did not simply purchase new lenses. The record, however, contains no evidence, or even an assertion, that Carrier sent the involved signal heads away from the property. The only matter in the record is that the contractor manufactured new lenses for the heads. Accordingly, the claim must be 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 22nd day of May 1998.