

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 35411
Docket No. SG-35423
01-3-99-3-313**

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

(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(Burlington Northern Santa Fe Railway Company
((former Atchison, Topeka and Santa Fe Railway)

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Atchison, Topeka & Santa Fe Railway (ATSF):

Claim on behalf of J.L. Carroll, for 136 hours at his time and one-half rate plus skill differential pay, account Carrier violated the current Signalmen’s Agreement, particularly Rules 12(a) and 12(b), when it failed to utilize the Claimant for overtime work on his assigned territory, from December 1, 1997, through January 24, 1998. Carrier’s File No. SIB 98-03-05-AC. General Chairman’s File No. 986412. BRS File Case No. 10964-ATSF.”

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.

In all respects except for the claim dates, this case is similar to the dispute addressed and denied in Third Division Award 35410. There is no need, therefore, to repeat the contentions, determinations and conclusions as previously set forth in that Award. Rather, those determinations and conclusions are, by reference, made a part of this Award.

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 26th day of April, 2001.