

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 36078
Docket No. SG-36118
02-3-00-3-289**

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
(CSX Transportation, Inc. (former Chesapeake & Ohio
(Railway Company)

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the CSX Transportation Company (C&O):

Claim on behalf of T. B. Rollison for payment of two hours and forty minutes at the time and one-half rate, account Carrier violated the current Signalmen’s Agreement, particularly Rule 25, when on February 20, 1999, it failed to call the Claimant to bond a rail at Mile Post 296.8 on the Clifton Forge District after the M of W forces had changed out a sperry rail creating an open circuit. General Chairman’s File No. 99-23-CD. BRS File Case No. 11181-C&O.”

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 Claimant in this case was regularly assigned to a position of Signal Maintainer on the Clifton Forge District. The claim as presented alleges that on "... February 20, 1999 Carrier failed to call the Claimant to bond a rail at Mile Post 296.8 on the Clifton Forge District"

A review of the case record reveals that no signal work was performed on the date in question and no other employee was used to perform any work which accrued to Signalmen.

This dispute is asking for compensation for work that was not done and the remedy sought is for compensation for some work that could or should have been done. Rule 25 of the negotiated Agreement contains no such provision or requirement. There is no basis on which to support the claim. Therefore, it 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 18th day of June, 2002.