

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 36405
Docket No. SG-36346
03-3-00-3-594**

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
(Union Pacific Railroad Company)

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Union Pacific Railroad Company:

Claim on behalf of G. E. Pankey for reinstatement to the position of Assistant Signal Foreman with compensation for the difference between the rate of Assistant Signal Foreman and that of any lower paying position beginning on August 4, 1999, and continuing, account Carrier violated the current Signalmen’s Agreement, particularly Rule 52, when Carrier improperly disqualified the Claimant. Carrier File No. 1204889. General Chairman’s File No. SWGC-2042. BRS File Case No. 11433-UP.”

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 case is a duplicate of that which was addressed in Third Division Award 36404.

All of the issues presented in this case have been resolved by Award 36404.

Therefore, this case is dismissed.

AWARD

Claim dismissed.

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 February 2003.