

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 36608
Docket No. SG-36409
03-3-00-3-679**

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: (
(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 (former Southern Pacific):

Continuing claim on behalf of E. A. Dunn for compensation for all lost wages and benefits and to be returned to the position he held immediately following his displacement from the Roseville Signal Shop. Account Carrier violated the current Signalmen’s Agreement, particularly Section 5 of the Roseville Signal Shop Closure Agreement, dated August 26, 1999, when Carrier failed to provide proper training and instructions to the Claimant and reduced his rate of pay from Signalman’s rate to the Assistant Signalman’s rate. Carrier’s File No. 1210094. General Chairman’s File No. SWGC-2065. BRS File Case No. 11451-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.

After exercising his seniority due to closure of the Signal Shop at Roseville, California, the Claimant twice failed a Book of Rules exam. Thereafter, on or about March 22, 2000, the Carrier demoted the Claimant from Signalman to Assistant Signalman. This claim followed.

The Claimant died July 1, 2000. Under the unique circumstances of this case, which in the Board's opinion shall be on a non-precedential basis, we agree with the Organization that the Carrier violated the relevant Rule when it demoted rather than disqualified the Claimant from his Signalman's position. The Claimant's estate shall therefore be compensated for the difference in pay between the Signalman and Assistant Signalman rate for the time from the demotion until the Claimant's death.

AWARD

Claim sustained in accordance with the Findings.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 29th day of July 2003.