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**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 36736
Docket No. SG-36406
03-3-00-3-670**

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

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

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Burlington Northern Santa Fe Railroad Co. (former Burlington Northern Railroad):

Claim on behalf of D. K. Ramey for payment of 32 hours at the straight time rate and the right to maintain EPIC III equipment in the future. Account Carrier violated the current Signalmen’s Agreement, particularly the Scope Rule when on March 4, 1999 Carrier allowed the Everett Communications Department to install an Epic III overlay circuit at an AEI sight located at Marysville, WA on the Bellingham Subdivision. Carrier continues to violate the Agreement by allowing the Everett Communications Dept. to maintain this equipment. This action deprived and continues to deprive the Claimant of the opportunity to perform this work. Carrier’s File No. 34 99 0022. General Chairman’s File No. SP-16-99. BRS File Case No. 11498-BN.”

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.

As Third Party in Interest, the International Brotherhood of Electrical Workers (IBEW) was advised of the pendency of this dispute and chose to file a Submission with the Board.

This dispute is over the Carrier's assignment of Communications Department employees represented by the IBEW rather than Signalmen to install an Epic III overlay circuit and maintain that equipment at an Automatic Equipment Identification (AEI) location in Marysville, Washington. This particular Epic III activates and deactivates the AEI equipment and is not tied into the signal system.

This is basically the same dispute decided by the Board in Third Division Award 36735. As in that case, there is no evidence here that the Epic III overlay circuit is tied into the signal system. In Award 36735 we found:

“Given that the EPIC II overlay circuit is connected to the AEI; the coverage of AEI by the IBEW’s scope rule; the lack of evidence in this case to show that the installation of this particular EPIC II overlay circuit is connected to the signal system; and for reasons stated in Award 36376 [“The Organization failed to show that the disputed work was connected to the signal system.”], this claim must be denied.”

Based on the above, this claim must also be denied.

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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 October 2003.