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**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 37124
Docket No. SG-37549
04-3-02-3-653**

The Third Division consisted of the regular members and in addition Referee Nancy F. Eischen when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(CSX Transportation, Inc. (former Baltimore and
(Ohio Railroad Company)

STATEMENT OF CLAIM:

"Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the CSX Transportation, Inc, (CSXT):

Claim on behalf of R. E. Prevo, for 35 hours at his time and one-half rate of pay, \$74.80 in expenses and two days of travel time at 30 minutes each, and continuing until this dispute is resolved, account Carrier violated the current Signalmen's Agreement, particularly Rule 14, when it used a junior employee instead of the Claimant on various dates beginning with the week ending August 10, 2001, and continuing through the week ending August 17, 2001, on the Chicago Division from Nova, Ohio, to Warwick, Ohio, and deprived the Claimant of the opportunity to perform this work. Carrier's File No. 15(00-0209). General Chairman's File No. SSCGW-2-12-01. BRS File Case No. 12190-B&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.

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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 instant claim is a continuation of the claim in Docket SG-37520, which the Board denied in Third Division Award 37123. For reasons set forth in that decision, the instant claim also 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 25th day of August 2004.