

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

Award No. 37170  
Docket No. SG-37543  
04-3-02-3-620

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

(Brotherhood of Railroad Signalmen  
**PARTIES TO DISPUTE:** (  
(National Railroad Passenger Corporation (Amtrak)

**STATEMENT OF CLAIM:**

"Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Amtrak (NRPC):

Grievance on behalf of E. S. West, Jr., for his advertised rest days of Saturday and Sunday, account Carrier violated the current Signalmen's Agreement, particularly Rule 12, when it assigned the Claimant to a relief position that required him to work his rest days of July 28 and July 29, 2001. Carrier's File No. NEC-BRS(S)-SD-939. General Chairman's File No. JY321082-650111. BRS File Case No. 12275-NRPC(S)."

**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.

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The record reflects that the Claimant's position, as advertised in Bulletin 051-SD3-0499, was a vacation relief position. The Carrier's right to establish such positions was recognized in Public Law Board No. 6369, Award 1. Accordingly, the Carrier acted in accordance with the Agreement and the claim must be 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 28th day of September 2004.**