

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 37179
Docket No. SG-37814
04-3-03-3-180

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

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

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the National Railroad Passenger Corp.:

Claim on behalf of D. P. Buker, for 12 hours at his time and one-half rate of pay, account Carrier violated the current Signalmen's Agreement, particularly the Planned Overtime Call List, when it used a junior employee for planned overtime service on November 17, 2001, in connection with the Gloucester Drawbridge project and denied the Claimant the opportunity to perform this work. Carrier's File No. NEC-BRS(S)-SD-949. General Chairman's File No. JY321090-120025. BRS File Case No. 12489-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.

The instant claim asserts that the Claimant should have been called for overtime that was performed by a junior employee from 6:00 A.M. to 6:00 P.M. on November 17, 2001. The record reflects that the Carrier made reasonable efforts to contact the Claimant by radio, cell phone, and pager and that the Claimant did not respond. After attempting to reach the Claimant for approximately one half-hour, the Carrier proceeded to the next person on the call list. The Carrier produced a statement from the Roadmaster who attempted to reach the Claimant in support of its position. There being no contrary evidence in the record, 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.