

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 37180
Docket No. SG-37845
04-3-03-3-232

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 Amtrak (NRPC):

Claim on behalf of J. D. Justinger, for ten hours at his straight time rate of pay, account Carrier violated the current Signalmen's Agreement, particularly Rule 32 and Appendix B-4, part 6, when it used another employee instead of the Claimant to cover work normally covered by the Claimant at the Relay Room at 400 W 31st Street on February 1, 2002, and deprived the Claimant of the opportunity to perform this work. Carrier's File No. NEC-BRS(S)-SD-959. General Chairman's File No. JY32101000-102026. BRS File Case No. 12488-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 record reflects that the Claimant was assigned to Gang Q-022, performing routine maintenance functions in the relay room at 400 West 31st Street. On February 1, 2002, a member of construction Gang R-922 performed work in the relay room, testing circuits in connection with the rehabilitation of the U Ladder and 123/119 Slip Switch. On February 9, 2002, another member of Gang R-922 performed similar work in the relay room. The record is devoid of any evidence that the work performed by the members of Gang R-922 involved any routine maintenance work normally performed by the Claimant. Accordingly, 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.