

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 37214
Docket No. SG-37125
04-3-01-3-684

The Third Division consisted of the regular members and in addition Referee Francis X. Quinn when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(Union Pacific Railroad Company)

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Union Pacific Railroad Company:

Claim on behalf of D. E. Beck for reimbursement of \$62.73 for out-of-pocket expenses. Account Carrier violated the current Signalmen's Agreement, particularly Rules 77 and 80, when Carrier required the Claimant to purchase safety boots and then failed to reimburse him for doing so. Carrier's File No. 1254170. General Chairman's File No. N 77 80-128, BRS File Case No. 11811-UP.”

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.

From the Board's review of the arguments and evidence advanced by the parties during the on-property handling of this dispute, there is no convincing evidence found to support the contention that the Claimant's steel-toe boots were somehow contaminated in the normal performance of his Signal Maintainer's duties, which would have rendered the boots unsafe for wear or use off of the job site. There is no mention of steel-toe boots found in the language of Rule 77. The OSHA mandate does not convert such boots into a tool or equipment as those terms are used in Rule 77. See Third Division Award 36550. The claim as presented 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 28th day of September 2004.