

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 37216
Docket No. SG-37208
04-3-02-3-122

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 S. P. Carroll, for payment of three hours at the time and one-half rate. Account Carrier violated the current Signalmen’s Agreement, particularly Rules 15 and 16, when it failed to call the Claimant for overtime service on his regular assigned territory on November 18, 2000. Carrier’s File No. 1256358. General Chairman’s File No. W-16-093. BRS File Case No. 11883-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.

The record indicates that the Carrier attempted to contact the Claimant at home and via pager. In fact, the Carrier attempted to contact the Claimant three times before contacting another Signal Maintainer. In these circumstances, there is no Rule violation. See Third Division Award 36163.

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.