

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 37293
Docket No. SG-36983
04-3-01-3-590**

The Third Division consisted of the regular members and in addition Referee Robert Perkovich when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(The Burlington Northern and Santa Fe Railway Company)

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Burlington Northern Santa Fe Railroad Co. (former Santa Fe Railroad):

Claim on behalf of D. R. Jure, R. Coonce, L. W. Scott, G. M. Houser, and D. C. Hernandez for payment of 1568 hours at the straight time rate to be divided equally among the Claimants. Account Carrier violated the current Signalmen’s Agreement, particularly the Scope Rule and Letter of Understanding dated November 2, 1992, when in May and June of 2000 Carrier allowed an outside contractor to install poles and power lines at several locations in Southern California. This action deprived the Claimants of the opportunity to perform this work. Carrier’s File No. 35-00-0019. General Chairman’s File No. 002901. BRS File Case No. 11803-ATSF).”

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 Claimants herein were assigned to various signal positions on Signal Gang 28239 when the Carrier used an outside contractor to install approximately 150 signal poles and power lines between May 24 and June 6, 2000.

Rule 42 of the parties' Agreement requires that all claims must be presented within 60 days of the date of the occurrence on which the claim is based. The record shows that the Carrier utilized the services of an outside contractor between May 24 and June 6, however, the Organization filed the instant claim in this matter on August 20, 2000. Because the claim was filed beyond the time limits, it is time barred and must be dismissed.

AWARD

Claim dismissed.

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 17th day of November 2004.