

****CORRECTED****

**Form 1 NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 40353
Docket No. SG-39840
10-3-NRAB-00003-070007
(07-3-7)**

The Third Division consisted of the regular members and in addition Referee Elizabeth C. Wesman when award was rendered.

**(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(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:

Claim on behalf of W. Allen, for 72 hours at his time and one-half rate of pay, account Carrier violated the current Signalmen’s Agreement, particularly Rule 13, when it failed to call the Claimant for overtime service from September 28, 2005 through October 3, 2005, and instead used a junior employee to perform this work, thus causing a lost work opportunity for the Claimant. Carrier’s File No. 1437801. General Chairman’s File No S-13-751. BRS File Case No. 13697-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.

At the time this dispute arose, Claimant W. Allen was assigned to the position of Signalman on Gang 2674. The instant claim was filed in connection with the Carrier's failure to call the Claimant for overtime work extending from September 28 through October 3, 2005.

The Board reviewed the record evidence and correspondence in this case. It is apparent that there was a confluence of unfortunate circumstances, including the sudden illness of the Claimant's Foreman, which resulted in his not being called for overtime when he should have been. The record fully supports the Organization's position that the Claimant is entitled to payment for the time lost.

AWARD

Claim sustained.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 1st day of March 2010.