

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 41847
Docket No. SG-42234
14-3-NRAB-00003-130201**

The Third Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
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(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 R. A. Ybarra, for compensation of \$200.00 per month, beginning on January 1, 2012, and continuing until this dispute is resolved, account Carrier violated the current Signalmen’s Agreement, particularly Rules 29 and 65, when it discontinued paying the Claimant the \$200.00 monthly payment stipulated in Rule 29, Note 1, of the Agreement. Carrier’s File No. 1564744. General Chairman’s File No. UPGC-29, 65-058. BRS File Case No. 14754-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.

RULE 29 – RATES OF PAY provides:

“The Carrier will compile a new rate sheet each time the rate of pay changes on the individual positions listed, including the basic rate and the rate including the cost-of-living allowance. A copy of the rate sheets will be furnished to the General Chairman.

NOTE 1: Signal employees holding seniority on the California District and actively working will receive an additional payment of Two Hundred Dollars (\$200.00) per month.”

The Claimant in this case holds seniority on the California Seniority District; is actively working; does not reside in California; and seeks the \$200.00 per month payment pursuant to Rule 29, Note 1. Although the Carrier previously made the \$200.00 per month payments to the Claimant, it discontinued making the payments on the basis the Claimant does not live and work in California. This claim followed.

This is the same dispute decided by the Board in Third Division Award 41846. For reasons set forth in that Award, the instant 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 16th day of June 2014.