

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 43875
Docket No. SG-45121
20-3-NRAB-00003-180544**

The Third Division consisted of the regular members and in addition Referee Paul Betts 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:

Claim on behalf of D. Ishmael, for assignment to the Electronic Technician/Inspector (ETI) position advertised on Bulletin No. Z5S52650, compensation for the difference in pay between that of a Skilled Signalman’s position and the ETI rate of pay for all hours, including overtime, worked on the ETI position Carrier failed to assign him to from February 24, 2017, continuing until he is assigned to said position; account Carrier violated the current Signalmen’s Agreement, particularly Rule 1 Note, when it failed to administer the Claimant the “Foreman’s Test” causing him to work a lower rated position. Carrier’s File No. 1683645. General Chairman’s File No. N-0099. BRS File Case No. 15851-UP. NMB Code No. 32.”

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.

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Parties to said dispute were given due notice of hearing thereon.

Following presentation to the Board, the case was resolved jointly by the parties. As a result, the claim is 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 28th day of January 2020.