

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

**Award No. 44647  
Docket No. SG-45580  
22-3-NRAB-00003-190485**

**The Third Division consisted of the regular members and in addition Referee Andria S. Knapp when award was rendered.**

**(BROTHERHOOD OF RAILWAY SIGNALMEN  
PARTIES TO DISPUTE:  
NATIONAL RAILROAD PASSENGER  
CORPORATION (AMTRAK)**

**STATEMENT OF CLAIM:**

**“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the National Railroad Passenger Corporation (Amtrak).**

**Claim on behalf of D.K. Gronert, for 14 hours at his overtime rate; account Carrier violated the current Signalmen’s Agreement, particularly Rules 32, and Appendices B-3 and B-4, when on March 2, 2018, Carrier used a Maintainer, James York, to work "Winter Weather Coverage" and not using the Electronic Technician assigned to the territory, thereby causing the Claimant a loss of work opportunity. Carrier's File No. BRS-SD-1267. General Chairman's File No. AEGC-20181024. BRS File Case No. 16114-NRPC(S). NMB Code No. 172."**

**BACKGROUND**

**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.**

This claim arose when the Carrier assigned winter weather overtime to an employee other than the individual assigned to the territory in which the work occurred.

According to the Claimant, he was never called or asked to perform the work. His supervisor, he telephoned the Claimant, who informed him that he was not available to work.

**FINDINGS:**

The record contains an irreconcilable dispute in relevant facts. It has been widely recognized that the Board is not in a position to resolve factual disputes, and such claims are appropriately dismissed. Accordingly, this claim is dismissed.

**AWARD**

Claim dismissed.

**ORDER**

This Board, after consideration of the dispute identified above, hereby orders that an Award favorable to the Organization not be made.

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
**By Order of Third Division**

**Dated at Chicago, Illinois, this 15<sup>th</sup> day of December 2021.**