

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 45057
Docket No. SG-45781
24-3-NRAB-00003-230318**

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

**(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(CSX Transportation, Inc.**

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the CSX Transportation (formerly C&O, Chesapeake District):

Claim on behalf of D. J. Atkinson, for the difference between his overtime rate of pay and his straight-time rate of pay, for his entire tours of duty as well as any “Lay In” time; for \$534.04, account Carrier violated the current Signalmen’s Agreement, particularly Uniform Rules 2, 5, 8, 12, 22, and Rules 7, 9, 20, 65, and Section 5 of CSXT Labor Agreement 15-018-16, when on January 5, 16, 30, and 31, 2018, it arbitrarily changed the Claimant’s work schedule, thereby causing him loss of work opportunities. Carrier's File No. 18-32043. General Chairman's File No. 18-67-CD. BRS File Case No. 16045-C&O(CD). NMB Code No. 117.”

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 dispute in this case is similar to the claim resolved by this Board in Third Division Award 45056 where the argument was made that the Carrier altered work schedules by sending employees home early in an attempt to absorb overtime for storm duty. This Board denied the claim in that case relying upon Third Division Award 44545 which is equally applicable in this case:

“Upon review of the entire record, the Board finds that the Claimant in this case was properly paid for his entire tour of duty and that no evidence was supplied to adequately demonstrate that the purpose was to avoid or absorb overtime and in fact, there is nothing in the record to show any overtime was performed in connection with the threatened storms.”

The record reveals that on the claim dates (January 5, 16, 30, and 31, 2018), the Claimant was compensated for eight hours at the straight time rate on two of the dates (January 5 and 16, 2018) and, in addition, on two of the dates (January 30 and 31, 2018), the Claimant also received overtime for five and two hours respectively. The record does not sufficiently support the Organization’s contention that the Claimant’s regular working hours were suspended to avoid overtime.

For the same reasons discussed in Third Division Award 45056, this claim shall 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 31st day of October 2023.