

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20408
Docket Number SG-20429

William M. Edgett, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(The Atchison, Topeka and Santa Fe Railway Company
(- Eastern Lines -

STATEMENT OF CLAIM: Claim of the General **Committee** of the Brotherhood of Railroad Signalmen on the Atchison, Topeka and **Santa Fe** Railway Company **that:**

(a) The Carrier violated the Signalmen's Agreement, effective May 1, 1966, particularly Article 2, Section 11-(a)-2, **when** on March 11, 1972, Carrier called and used **Lamy** Signal Maintainer M. M. Lark, to perform overtime signal work at the OS Section at the east **end** Fox **siding**, **instead** of Las Vegas Signal **Maintainer J. D. Williams**. Signal Maintainer Lark was called account the OS section showed occupied on the TCS machine. Las Vegas Signal Maintainer **J. D. Williams** was **not** registered absent and was available for call to **perform** the necessary signal work on his assigned territory.

(b) Claim by the Brotherhood in **behalf** of Signal Maintainer **J. D. Williams** for payment at his respective overtime rate of pay for a number of hours equivalent to the number of hours worked and paid to Signal Maintainer **M. M. Lark**, which was a four (4) hour call.

[Carrier's File: 132-128-24]

OPINION OF BOARD: Trouble was reported **on** claimant's assigned territory.

Carrier tried to call claimant but did **not** reach him. A Signal **Maintainer** from an adjoining territory got the call.

Carrier has introduced a statement from the operator **in** which he stated "**I** tried to phone Mr. Williams several times and received no answer." Claimant stated "**I** was at my **residence** March 11, 1972 and available for call to perform any work on my assigned territory."

The Board **has** often held that in the face of a conflict, such as that presented here, it will dismiss the claim on the basis that claimant has failed "to establish facts sufficient to require or permit a finding that Carrier" violated the Agreement (Awards 16152, 17586, 18705, 18871 and others). Accordingly, the claim is dismissed.

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FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier **and** the **Employes** involved in this dispute are respectively Carrier and **Employes** within the **meaning** of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Claim must be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD

By Order of Third Division

AT-EST:

A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 27th day of September 1974.