

The Second Division consisted of the regular members and in addition Referee Nicholas H. Zumas when award was rendered.

Parties to Dispute: ( Sheet Metal Workers' International Association  
(  
( Louisville and Nashville Railroad Company

Dispute: Claim of Employees:

1. That the Louisville and Nashville Railroad Company violated the controlling Agreement, particularly Rules 30(a), 87 and Appendix B-19 effective April 8, 1946 at Louisville, Kentucky, on January 1, 1973 when they improperly assigned Machinist and refused to fill holiday positions from overtime board.
2. That accordingly the Louisville and Nashville Railroad Company be ordered to compensate Sheet Metal Workers J. R. Richardson, J. C. Hayden and G. P. Bryant eight (8) hours each at the punitive rate of pay for such violation.

Findings:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe 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 Organization asserts that Carrier violated the Agreement between the parties when it refused to call the overtime board to perform work on a holiday and assigned such work to other than Sheet Metal Workers.

There is nothing in this record of any probative value to show that any sheet metal work was performed by other than Sheet Metal Workers (in this case Machinists). This Board has held on numerous occasions that mere assertion is insufficient to sustain a claim.

A W A R D

Claim denied.

Form 1  
Page 2

Award No. 6865  
Docket No. 6722  
2-I&N-SM-'75

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Executive Secretary  
National Railroad Adjustment Board

By

  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 16th day of May, 1975.