

The Second Division consisted of the regular members and in addition Referee James C. McBrearty when award was rendered.

Parties to Dispute: (System Federation No. 8, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Electrical Workers)
(
(Missouri-Kansas-Texas Railroad Company

Dispute: Claim of Employees:

- 1) Claim against the Missouri-Kansas-Texas Railroad Company by monthly rated Radio Maintainer T. L. Pyles, for two (2) hours call at overtime rate from 4:20 a.m. until 6:10 a.m. Monday, April 26, 1976, account called by the operator at yard office due to the transmitter being keyed somewhere.
- 2) That, accordingly, the Missouri-Kansas-Texas Railroad Company be ordered to pay monthly rated Radio Maintainer T. L. Pyles a two hour call, at time and one-half, for work performed on April 26, 1976 during the hours of 4:20 a.m. and 6:10 a.m.

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 waived right of appearance at hearing thereon.

This claim is premised on the assertion that Claimant is entitled to two (2) hours at the overtime rate "as per the current Agreement". However, during the handling of the case on the property, the Employees did not cite a single rule the Carrier allegedly violated. In their submission to this Board, the Employees for the first time refer to Article VI (f) as being violated. This alleged violation should have been raised on the property, and not for the first time before this Board.

This Board has consistently held that the Organization must prove every element of its claim, and failure to identify a specific rule in the handling on the property is fatal to its claim. (See Second Division Awards Nos. 6792 and 6321; also see Third Division Awards Nos. 18964, 17212, 16663, 15835 and 14772).

Therefore, we must dismiss the claim.

A W A R D

Claim dismissed.

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 9th day of December, 1977.