



Claimants because such duties were included in the Electrical Workers Classification of Work Rule and had been performed by electricians for over thirty (30) years.

Carrier essentially argues that the Reading Rip Track was an "out lying point" and that, as such, said action was protected by Rule 5-F-2.

In any case which is brought before this Board it is necessary that the facts which are critical to the resolution of the dispute are presented in a clear and complete manner. The responsibility for such minimal performance rests with the moving party. In the instant case, which is a rules case, the moving party is the Organization, and, upon reviewing the complete record in this dispute, it is clear that the Organization has not met this responsibility. Of particular significance is the fact that the Organization's articulation of the facts fails to establish where the contested work was performed. In this regard, the Organization's Submission states as follows:

"As a result on March 19, 1980, Rip Track Carmen were assigned to remove and replace batteries on Caboose #CR22909. Rip Track General Foreman had Caboose #CR22909 placed on the track adjacent to the Freight Car Shop where the Rip Track Carmen acquired the new batteries for installation and deposited the scrap batteries" (Emphasis added by Board).

Elsewhere throughout its Submission, however, as well as in the Statement of Claim itself and in numerous exhibits which were also included in the record, the Organization contended that the disputed work was performed by Carmen Planer and Lemanek at the Reading Rip Track.

The aforestated discrepancy is critical to the resolution of the instant dispute; and a determination cannot be made unless the matter is resolved. As the moving party in the instant case, Organization's failing is fatal.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:   
Nancy J. Decker - Executive Secretary

Dated at Chicago, Illinois, this 5th day of June, 1985