

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISIONAward No. 10634  
Docket No. 10545  
2-MP-CM-'85

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

Parties to Dispute: ( Brotherhood Railway Carmen of the United States  
( and Canada  
( Missouri Pacific Railroad Company

Dispute: Claim of Employees:

1. That the Missouri Pacific Railroad Company violated Rules 4(d), 12(a) and 102 of the controlling Agreement when other than Carmen were used to repair and maintain freight car TTX 601772 at the Piggy Back Ramp, Dupo, Illinois.

2. That the Missouri Pacific Railroad Company be ordered to compensate Carman T. E. Austin in the amount of two (2) and one-half (.5) hours at the punitive rate of pay for this 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 employes 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 dispute involves the contention that other than Carmen were used to repair and maintain freight car TTX 601772 at Carrier's Piggy Back Ramp, Dupo, Illinois, on October 12, 1982.

We have carefully reviewed the entire record before the Board and we find no evidence of any actual repairs being made. The claim will be denied for lack of proof.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest.

  
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 30th day of October 1985.