

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

(Brotherhood Railway Carmen of the United States
(and Canada
Parties to Dispute: (
(Chicago and North Western Transportation Company

Dispute: Claim of Employees:

1. Carmen Gus LaScala, Elmer Carlson, Donald Wilmot, David Bringman, Jim Norris, Gene Miller, John Corio Jr. and Jerry Dirks were deprived of work and wages to which they are entitled when the Chicago and North Western Transportation Company violated the controlling agreement when it improperly assigned train crews to perform carmen's work of coupling air hose and making air test on October 26, 27, 28, 29, 30, 31; November 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 1983.

2. That the Chicago and North Western Transportation Company be ordered to compensate the eight Carmen Claimants as follows:

Gus LaScala

October 29, 30; November 5, 6, 12, 13, 19, 20,
26 and 27

Elmer Carlson

October 26, 27, 28, 29, 30, 31; November 2, 3,
4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16,
17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27,
28, and 29.

Donald Wilmot

October 29, 30; November 5, 6, 12, 13, 19, 20,
26, 27.

David Bringman

October 26, 27, 28, 29, 30, 31; November 1, 2,
3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15,
16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26,
27, 28, 29, and 30.

Jim Norris

October 26, 27, 28, 29, 30, 31; November 1, 2,
3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15,
16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26,
27, 28, 29 and 30.

Gene Miller

October 26, 27, 28, 29, 30, 31; November 1, 2,
3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15,
16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27,
28, 29 and 30.

John Corio, Jr.

October 26, 27, 28, 29, 30, 31; November 1, 2
3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15,
16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26,
27, 28, and 29.

Jerry Dirks

October 16, 17, 18, 20, 31; November 1, 2, 3,
4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16,
17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27,
28, and 29.

Claim is made for eight (8) hours pay per day, amounting to \$155.44 for each date claimed, for each Claimant and date listed in the foregoing.

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 Claim arises from the same dispute decided in Second Division Award No. 11059 and Awards cited therein. Some of the Claimants here are the same as in the aforementioned Award and others have been added. As in the prior Award, all are seeking compensation for dates in October and November, 1983, arising out of a dispute concerning the assignment of train crews rather than Carmen to perform coupling of air hoses and making of air tests at the Carrier's Sioux City, Iowa Yard.

As in the previous Claims, the United Transportation Union has declined to intervene.

We have examined the record in this case and find that the same arguments and factual circumstances have been advanced by the parties as existed in the previously cited Award. For the reasons specified in the prior Award, we also find in this identical case that the Organization has not met its burden of proof due to the language in Rule 29 of the Agreement. We shall therefore deny the instant claim on the same grounds.

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 29th day of October 1986.