

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 11445
Docket No. 11080-T
88-2-85-2-273

The Second Division consisted of the regular members and in addition Referee Peter R. Meyers when award was rendered.

(Brotherhood Railway Carmen of the United States
(and Canada
PARTIES TO DISPUTE: (
(Duluth, Missabe & Iron Range Railway Company

STATEMENT OF CLAIM:

1. That the Duluth, Missabe and Iron Range Railway Company violated the terms of our current Agreement, in particular Rules 29(a) and 57, and Article V of Mediation Agreement, Case A-7030 when they arbitrarily assigned train crew to perform coupling of air hoses, inspecting and performing of air test on Steelton Train at Proctor Yard.

2. That, accordingly, the Duluth, Missabe and Iron Range Railway Company be ordered to compensate Proctor, Minnesota Carmen O. Helland and D. Martin in the amount of four (4) hours each at the straight time rate for July 22, 1984.

FINDINGS:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees 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.

As Third Party in Interest, the United Transportation Union was advised of the pendency of this dispute and did not file a Submission with the Division.


Claimants are regularly assigned as car inspectors by the Carrier. On July 22, 1984, the train crew assigned to move a train from Proctor Yard to Steelton Yard coupled air hoses and performed an air brake test on the train. The Organization thereafter filed a time claim on the Claimants' behalf, arguing that this was Carmen's work.

This Board has reviewed the evidence in this case, and we find that the Organization has not met its burden of proof that the Carrier is guilty of a rule violation. Therefore, the claim must be denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: 
Nancy J. Dwyer - Executive Secretary

Dated at Chicago, Illinois, this 6th day of April 1988.