

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: (
(Missouri Pacific Railroad Company

STATEMENT OF CLAIM:

1. That the Missouri Pacific Railroad Company violated Rules 25(a) and 102 of the Controlling Agreement and Article V(a) and (c) of the National Agreement of September 25, 1964, as amended December 4, 1975, when other than Carmen were used to couple air hose, inspect and test air brakes on piggyback cars in their 23rd Street departure yards in St. Louis, Missouri.

2. That the Missouri Pacific Railroad Company be ordered to compensate Carman V. E. Schroeder in the amount of one (1) hours pay at the pro-rata rate for December 14, 15, 16, 20 and 21, 1983, and for each day after that the train crews perform the disputed work.

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.

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.

Claimant is employed as a Carman by the Carrier, at its St. Louis, Missouri, train yard and repair facility. On the cited dates, Carrier assigned train crews to couple air hose, inspect and test air brakes. The Organization filed a time claim on Claimant's behalf, arguing that this is Carmen's work.

This Board reviewed the evidence in this case, and we find that the Organization has not met its burden of proof that the work was improperly assigned. This Board has held on numerous occasions in the past that the Scope Rule does not cover work over which the Carrier has no control. (See Second Division Awards 10996, 10980, 7833, 7584, and 6839.) Hence, this claim must be denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:



Nancy J. Bever - Executive Secretary

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