

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-Kansas-Texas Railroad Company

STATEMENT OF CLAIM:

1. That the Missouri-Kansas-Texas Railroad Company violated the current controlling agreement on September 3, 1985 when Assistant Car Foreman J. M. Wheeler went to Greenville, Texas and inspected cars to be certain that they conformed to the AAR Interchange Rules and oiled boxes and did AAR inspection.

2. That the Missouri-Kansas-Texas Railroad Company be required to compensate Carman L. G. Ooten in the amount of five (5) hours pay at the proper pro rata rate for September 3, 1985, account not called and used to perform this service in accord with the current controlling agreement.

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.

Claimant is employed as a carman by Carrier at its Denison, Texas, facility. On September 18, 1985, the Organization filed a claim on Claimant's behalf, charging that Carrier had improperly assigned a car foremen to inspect certain open top cars at Greenville, Texas.

This Board has reviewed the record in this case, and we find that the Organization has not met its burden of proof that the work involved was exclusively reserved to carmen. Moreover, there has not been a convincing demonstration in the record that the rules restricted the use of supervisors in this limited inspection. Consequently, the claim must be denied.

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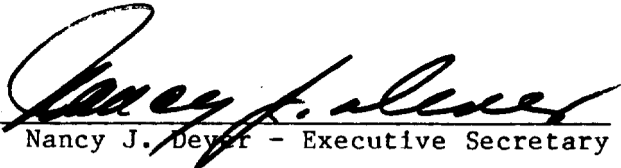
Award No. 11478  
Docket No. 11332  
88-2-86-2-148

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 11th day of May 1988.