

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: (

(Chicago and North Western Transportation Company

STATEMENT OF CLAIM:

1. Carman John J. Eriksen and other Carmen employed at Proviso, Illinois, Yard 9, are entitled to a safe environment in which to work and Chicago and North Western Transportation Company violated the controlling agreement when it improperly assigned train crews to perform Carmen's work of making terminal air brake test on June 9, 1984.

2. That the Chicago and North Western Transportation Company be ordered to take immediate steps to correct the safety violations and denial of Carmen's rights in regard to performance of air brake tests.

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, but chose not to file a Submission with the Division.

Claimant is employed as a carman by Carrier at its Proviso, Illinois yard. On June 9, 1984, Carrier assigned Claimant and others to couple air hoses, allegedly without proper blue flag protection. Carrier also assigned the train crew of Engine #868 to inspect and make air tests on approximately 104 ballast cars at Proviso. The Organization thereafter filed a claim on Claimant's behalf, asserting that Carrier deprived Claimant and other carmen of a safe work environment and that Carrier had assigned carmen's work to the train crew.

This Board has reviewed the evidence in this case, and we find that the Organization has not met its burden of proof to support its charge that the Carrier violated the controlling Agreement when it improperly assigned train crews to perform carmen's work. Therefore, the claim must be denied.

With respect to the safety allegations being made by the Organization as part of the claim, this Board must find that the future relief sought by the Organization is beyond the jurisdiction of this Board. (See Second Division Award 11342.) Therefore, that aspect of the claim must be dismissed.

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 15th day of June 1988.