

The Second Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

(Sheet Metal Workers International Association
PARTIES TO DISPUTE: (
(Chicago and North Western Transportation Company

STATEMENT OF CLAIM:

1. The Carrier violated the provisions of the current and controlling agreement when they improperly violated Rules 29, 53 and 103 of said agreements when they improperly assigned AFE B&B Carpenter Crews to install Ductile Iron Pipe, Class 50, and 10" (10 inch pipe) of ten (10) Gauge galvanized core metal pipe and catch basins, used for intertrack drainage, at Lake Forest, Illinois Depot, on the Chicago and North Western North Line.

2. That accordingly Sheet Metal Workers' Carlos Blanco, William Paulson and Joseph Land be compensated at the straight time rate for the total amount of time paid to the B&B Capenters for performing Sheet Metal Workers' work.

Also, that an accurate record be kept of any Carpenters being assigned to the above mentioned work, so that the above named Claimants may be further compensated for any continuing violations of this nature.

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.

The Organization contends that the Carrier, in violation of its Scope Rule, improperly assigned Carpenters to install ductile iron pipe on a drainage project.

Pursuant to Section 3, First (j) of the Railway Labor Act, as amended, notice was given to the Maintenance of Way Employes of this claim as a party in possible interest. That Organization has filed a statement with this Division, which is now a part of the record.

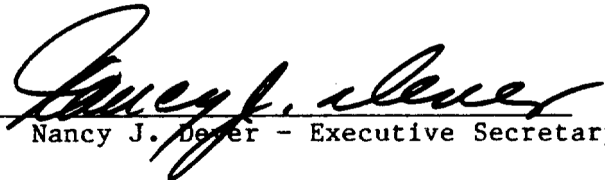
The Carrier, in its rejection of the claim on the property, contended that the Organization, in fact, did install the ductile iron pipe. In matters, such as this, the Organization bears the burden to substantiate its claim. We find no evidence, such as a statement from its members, which refutes the Carrier's statement that the work claimed was performed by the Sheet Metal Workers assigned to the crew.

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 25th day of January 1989.