

The Second Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

PARTIES TO DISPUTE: (Brotherhood Railway Carmen/ Division TCU  
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(Southern Railway Company

STATEMENT OF CLAIM:

1. That the Carrier violated the current Agreement when they failed to advertise a newly created Painter's position in the Coster Wheel Shop, Knoxville, Tennessee, on May 12, 1986.

2. That the Carrier be ordered to advertise newly created Wheel Shop Painter's position in accordance with Rule 20 of the 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 employe 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.

The Organization is seeking an order from this Board requiring Carrier to re-establish a painter position on the 2nd shift at the Coster Wheel Shop in Knoxville. This assignment was abolished on March 27, 1986. The Organization contends that subsequent to May 12, 1986 Carrier re-established the assignment without bulletining and handpicked an individual to do the work.

Carrier acknowledges that the painter assignment was eliminated on March 27, 1986. It contends that sufficient work was no longer available to justify the continuation of a full time painter on the 2nd shift. It also acknowledges that from time to time it has assigned required painting work to a qualified Carmen. However, in the ten week period following the date the Organization alleges the position was reestablished this occurred on only 43 percent of the work days - hardly justification for the continuation of a full time assignment.

We have examined this record carefully and studied Rule 20, the only one relied on by the Organization, and must conclude that the Organization, who has the burden of proof on all essential aspects of its Claim, has not sustained its required burden in this matter. Accordingly, the Claim must be denied.

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 1st day of March 1989.