

The Second Division consisted of the regular members and in addition Referee Marty E. Zusman when award was rendered.

PARTIES TO DISPUTE: (Brotherhood Railway Carmen/Division of TCU
(Illinois Central Gulf Railroad Company

STATEMENT OF CLAIM:

1. That the Illinois Central Gulf Railroad Company violated the controlling agreement, and in particular Rules 501, 502, Article V of the September 25, 1964 Agreement as amended by Article VI of the December 4, 1975 Agreement and as further amended by Article VI of the November 19, 1986 Agreement, when on December 9, 1985 it assigned carmen's work to trainmen at Jackson, Tennessee causing the abolishment of four (4) carmen positions.

2. That the Illinois Central Gulf Railroad Company be required to pay the four (4) claimants in seniority order out of the fourteen carmen originally furloughed, eight (8) hours a day at the current rate of pay, five days a week, plus all benefits afforded them under the present and controlling agreement beginning January 19, 1987 and continuing until reestablishment of car inspector jobs at Iselin yards in Jackson, Tennessee. Claimants in seniority order are K. E. Smith, E. L. Wyatt, H. C. Mount and J. W. Turner.

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.

The complex development of the Claim at bar developed after Carrier abolished fourteen (14) Carmen positions including the car inspector positions disputed herein. In the continuance of this dispute it was alleged that Carrier violated the Agreement when it allowed employees foreign to the Agreement to make air brake inspections, tests and perform air hose coupling. The Organization contends that sufficient work exists at the Iselin Yard at Jackson, Tennessee, to require the employment of Carmen.

The Carrier has denied the Claim arguing in part that this issue has been previously decided by Public Law Board No. 3890, Award No. 1. By letters dated August 3, and November 18, 1987, the Carrier further denied this Claim arguing that the Organization failed to show the amount of Carman's work being performed by train crews or that there is sufficient work to require Carrier to maintain said positions.

A review of the record fails to establish the necessary probative evidence to support the Organization's Claim. There is, in fact, a total lack of substantive evidence by which this Board could reach a conclusion of Carrier violation. The allegation is supported only with lists of outbound trains and various assertions and evidence which does not constitute proof.

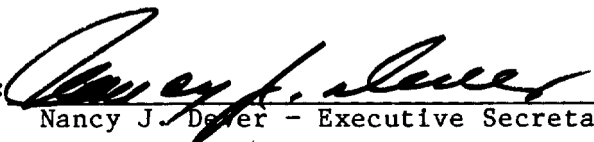
Considering the full record, the Board denies the Claim. Herein, there is insufficient evidence presented by the Organization to sustain its burden of proof.

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 16th day of May 1990.