

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12662
Docket No. 12503
94-2-92-2-23

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

(Brotherhood Railway Carmen/Division TCU
PARTIES TO DISPUTE: (
(CSX Transportation, Inc. (former Chesapeake
(& Ohio Railway Company)

STATEMENT OF CLAIM:

- "1. That the Chesapeake & Ohio Railroad Company (CSX Transportation, Inc.), hereinafter referred to as 'carrier', violated specifically the June 1, 1979 Agreement, Article II - Upgrading, Section 4 - Training (b), by allowing M. A. Christian to be credited tentative carman time while working as a supervisor in 1989. Carrier also violated Rule 35 of the Shop Crafts Agreement by not timely and properly responding to said violation.
2. Accordingly, the Carrier be ordered to have Mr. Christian serve additional 122 days completion of his journeyman rating commencing September 15, 1989 in the capacity of a tentative carman before he be given standing as a bonafide mechanic on the seniority roster."

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 employe 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 alleges that Appendix 14, Article II, Section 4(b), of the Training Agreement, was misapplied when, during 1989, time worked by M. A. Christian as a supervisor, was credited toward completion of the mechanic program 732 day service requirement.

Carrier argues that the allegation is false. Carrier notes that it offered to permit the Organization to review its payroll records to demonstrate that the allegation was not true, however, the offer was declined.

The allegation of the Organization is simply that, an allegation without any support of any type. Carrier opened its payroll records for review by the Organization. However, this offer was not accepted. The Organization has the burden of offering evidence in support of its allegations. This evidence is missing 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: Catherine Loughrin
Catherine Loughrin - Interim Secretary to the Board

Dated at Chicago, Illinois, this 16th day of February 1994.