

**NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION**

Award No. 13315  
Docket No. 13193-T  
98-2-96-2-99

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

**(Brotherhood Railway Carmen, Division of  
( Transportation Communications International Union**  
**PARTIES TO DISPUTE: (**  
**(CSX Transportation, Inc. (former Seaboard**  
**( Coast Line Railroad Company)**

**STATEMENT OF CLAIM:**

"1. Carrier violated the Agreement on May 4, 6, 10, 11, June 8, 13, 14, 17, 19, 22, 23, 27, 28, 1995 at Savannah Yard (Schuman Tracks) Savannah, Georgia when the Carrier permitted and instructed the train crew to inspect and brake test their train when Carmen were on duty.

2. Carrier shall compensate each claimant listed four (4) hours straight time for the dates indicated:

T.D. Hadden and J.M. Stewart	May 4, 1995
W.E. Davis and L. Wilson	May 6, 1995
W.S. Keith and T.E. Manders	May 10, 1995
L.V. Datts and T.D. Hadden	May 11, 1995
T.D. Hadden and J.M. Stewart	June 8, 1995
T.E. Manders and W.S. Keith	June 13, 1995
A. Price and D.G. Phillip	June 14, 1995
M.H. Collins and R.H. Reeves	June 17, 1995
L. Wilson and E.L. Miller	June 19, 1995
T.D. Hadden and L.V. Datts	June 22, 1995
W.E. Davis and D.G. Phillip	June 23, 1995
A. Price and W.S. Keith	June 27, 1995
J.M. Stewart and L.V. Datts	June 28, 1995"

**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 employee 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 were given due notice of hearing thereon.

As Third Party in Interest, the United Transportation Union was advised of the pendency of this dispute, but it chose not to file a Submission with the Board.

In this case, the Organization contends that the Carrier violated the Parties' Agreement (Rules 15(a), 26(a), 28(a) and 100) as well as FRA Rules when it failed to call Carmen to perform initial terminal brake tests on 13 dates during the period from May 4 through June 28, 1995 at the Carrier's Savannah, Georgia, facility. The Organization contends that the brake tests were mechanical inspections reserved to the Carmen craft.

Before addressing the claim, the Board agrees with the Organization that certain arguments and positions have been advanced by the Carrier which were not joined on the property. Accordingly, these were not considered by the Board in its deliberations.

With respect to the merits, we find that the Organization, on the property, failed to meet its burden of proof. It is well settled that train crews may perform brake tests as long as they do not perform mechanical inspection work at a departure yard where Carmen are on duty.

The Organization has not shown otherwise in this claim.

**AWARD**

**Claim denied.**

**ORDER**

**This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.**

**NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division**

**Dated at Chicago, Illinois, this 6th day of August 1998.**