

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION**

Award No. 13456

Docket No. 13373

99-2-98-2-62

The Second Division consisted of the regular members and in addition Referee Edward L. Suntrup when award was rendered.

(Brotherhood Railway Carmen, Division of Transportation  
( Communications International Union

**PARTIES TO DISPUTE:** (

(Union Pacific Railway Company

**STATEMENT OF CLAIM:**

“1. The Carrier was in violation of, but not limited to, Appendix 8, Section 10, Paragraph B of the controlling Agreement on May 27, 1997 when the Carrier failed to fill a vacancy due to an employee taking a vacation and the equivalent of twenty-five (25) percent or more of the work load that was distributed among fellow employees at the Bailey Yard, North Platte, Nebraska.

2. Carrier shall compensate Claimant, E. E. Craighead for eight (8) hours at the current rate at time and one half.”

**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.

A claim was filed on June 10, 1997 alleging that the Carrier violated Appendix 8, Section 10(B) of the controlling Agreement when it failed to fill a vacancy due to an employee taking a vacation. The vacancy in question was the result of this employee taking a one day vacation on the date of May 27, 1997.

The basis of the claim is that twenty-five per cent or more of the work load of the employee taking the one day vacation was distributed among the other Carmen working the shift in question. A review of the record fails to persuade the Board that the burden of proof was sufficiently borne by the Organization with respect to the instant claim. There is no evidence that the work complained of, in fact, was done by other Carmen. The claim must, therefore, be denied.

**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 25th day of August 1999.**