

**NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION**

Award No. 13649

Docket No. 13474

01-2-99-2-59

The Second Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

**PARTIES TO DISPUTE:** (Brotherhood Railway Carmen Division  
( Transportation Communications International Union  
(CSX Transportation, Inc. (former Baltimore & Ohio  
( Railroad Company)

**STATEMENT OF CLAIM:**

“Claim of the Committee of the Union that:

1. That the Carrier violated the Agreement at Willard, Ohio on 4-10-98 when the Carrier laid assigned inspectors jobs off for the Holiday (Good Friday) then arbitrarily filled those positions from others assigned work on the repair track.
2. That the Carrier pay Carman M. K. Rogers for eight (8) hours time and one half and credit his hours worked towards his journeymen's card. This payment equals what he would have earned had the contract not been violated.”

**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.

The Claimant held Car Inspector Position DE-35 at the Transport Yard in Willard, Ohio. The Claimant's position was annulled on Good Friday, April 10, 1998 due to decreased workload on the holiday. The Claimant received eight hours holiday pay.

The Organization asserts that other employees were improperly assigned to perform duties exclusively reserved to the Claimant on the holiday and that the Claimant should have been called to work on the holiday. The Carrier asserts that the Claimant's work was not performed and, in any event, that repair track forces are routinely used to supplement train yard forces.

Examination of the record shows there are no supporting facts to sufficiently demonstrate what work was improperly performed by others that the Organization asserts should have been performed by the Claimant. Without supporting evidence, this claim must fail for lack of proof.

**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 11th day of December, 2001.