

Award No. 2693
Docket No. 2500
2-GM&O-CM-'57

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

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

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 29, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Carmen)**

GULF, MOBILE AND OHIO RAILROAD COMPANY

DISPUTES: CLAIM OF EMPLOYEES:

1. That under the current agreement, the carrier improperly assigned *carmen* helpers to inspect freight cars on the 3:00 P.M. to 11:00 P.M. shift at Bogalusa, Louisiana from November 21, 1955 through February 16, 1956.

2. That accordingly the carrier be ordered to additionally compensate the following named car inspectors for eight hours at the applicable time and one-half rate of pay for each day of the aforesaid violation as per the following:

J. A. Carlisle:

Nov. 21, 1955-Nov. 28, 1955-Dec. 5, 1955-Dec. 12, 1955-Dec. 19, 1955-Dec. 26, 1955-Jan. 2, 1956-Jan. 9, 1956-Jan. 16, 1956-Jan. 23, 1956-Jan. 30, 1956-Feb. 6, 1956-Feb. 13, 1956.

Mason Fornea:

Nov. 24, 1955-Nov. 25, 1955-Dec. 1, 1955-Dec. 2, 1955-Dec. 8, 1955-Dec. 9, 1955-Dec. 15, 1955-Dec. 16, 1955-Dec. 22, 1955-Dec. 23, 1955-Dec. 29, 1955-Dec. 30, 1955-Jan. 5, 1956-Jan. 6, 1956-Jan. 12, 1956-Jan. 13, 1956-Jan. 19, 1956-Jan. 20, 1956-Jan. 26, 1956-Jan. 27, 1956-Feb. 2, 1956-Feb. 3, 1956-Feb. 9, 1956-Feb. 10, 1956-Feb. 16, 1956.

T. Anderson:

Nov. 22, 1955-Nov. 23, 1955-Nov. 29, 1955-Nov. 30, 1955-Dec. 6, 1955-Dec. 7, 1955-Dec. 13, 1955-Dec. 14, 1955-Dec. 20, 1955-Dec. 21, 1955-Dec. 27, 1955-Dec. 28, 1955-Jan. 3, 1956-Jan. 4, 1956-Jan. 10,

For the reasons hereinbefore given, carrier submits that the instant claims are without merit and should be denied, and prays your Honorable Board to so hold.

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.

The parties to said dispute were given due notice of hearing thereon.

During the period from November 21, 1955 to February 16, 1956, at Bogalusa, Louisiana, the carrier employed on the second shift (3:00 P.M. to 11:00 P.M.) one (1) inspector and two (2) car oilers. It is the contention of the employes that during that time, one of the car oilers also performed the work of a car inspector. Therefore, the sole question to be decided, is whether or not carmen helpers (oilers), during the period from November 21, 1955 to February 16, 1956, at the South Yard Bogalusa performed inspection work that was the work of carmen.

The employes offered, as an exhibit, a statement from J. M. Raborn, Jr., who is a car inspector, stating that he and a car oiler worked the east side of a train and then would work down the west side of the train until they met Carman Helper Manson Jenkins, and at that point he and his helper would stop working boxes, but that if time permitted he would continue inspecting the train, omitting the inspection of journal boxes that Carman Helper Jenkins had worked.

However, the carrier has submitted a statement from Carman Helper Jenkins stating that at no time did he perform any inspection of the boxes and that he did not do any more work on the train than he would have done if car inspector had accompanied him.

The employes have failed in their proof to show that any inspection work was performed by Carman Helper Jenkins. Therefore this claim must be denied.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 2nd day of December, 1957.