

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

Parties to Dispute: (System Federation No. 7, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Electrical Workers)
(Burlington Northern Inc.

Dispute: Claim of Employees:

1. That in violation of the current working agreement the Burlington Northern, Inc. did deliberately order members of another craft at West Burlington, Iowa to perform Electricians' work as defined in our current working agreement.
2. That, accordingly, the Burlington Northern, Inc. be ordered to compensate Claimants W. J. Luttenegger, R. F. McDonough and B. D. Polling - Electricians at the Burlington Iowa Diesel Facility eight (8) hours compensation at pro rata rates for each day that employees of the Carrier other than electricians, operate the oscilloscope used to detect flaws in electric motors or generator bearings. Claim to start with July 1, 1975 and continue until adjusted.

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 waived right of appearance at hearing thereon.

Petitioner alleges that Carrier violated the Electrician's Agreement, when other than an Electrician operated an oscilloscope on or about July 1, 1975, at Carrier's West Burlington, Iowa shops.

However, the record before us is devoid of any showing that the work referred to above, was performed by other than Electricians on July 1, 1975.

Petitioner has the burden of proof on all essential aspects of its claim and in the instant case, Petitioner has not sustained the required burden of proof. Accordingly, this claim must be denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 9th day of December, 1977.