

The Second Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

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

Dispute: Claim of Employees:

1. Burlington Northern, Inc., violated provisions of the current Agreement between the Burlington Northern, Inc., and the International Brotherhood of Firemen and Oilers, specifically Rule 44(c), as well as Agreement of September 10, 1958, between the former Great Northern Railway Company and the International Brotherhood of Firemen and Oilers, when the following-named employees, employed at Havre Car Shop working under the Carmen's Agreement, were directed by Burlington Northern, Inc., Management to service passenger trains passing through Havre, clean and supply cabooses on Havre Caboose Track:

Angelo Pizzini	Kenneth Sargent
Howard Black	Norman Andrews
Clyde Sargent	Kenneth Christopherson

2. That, accordingly, the Burlington Northern, Inc. be ordered to compensate the following named-employees, all employed at Havre, Montana, seven and one-half ($7\frac{1}{2}$) hours each at the straight time rate for the date shown following employee's name:

W. D. McLaughlin	June 1, 1975
H. D. Rowin	June 2, 1975
J. Carpenter	June 3, 1975
M. A. Collins	June 4, 1975
L. C. Ehry	June 5, 1975
D. S. Manaras	June 6, 1975
J. B. McMaster	June 7, 1975
J. G. Eiler	June 8, 1975
D. L. Unruh	June 9, 1975
R. T. Tucker	June 10, 1975
D. L. Fanning	June 11, 1975
J. K. Cadden	June 12, 1975
A. G. Hanson	June 13, 1975
A. Gatzmeier	June 14, 1975
D. J. Brazier	June 15, 1975

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.

Parties to said dispute waived right of appearance at hearing thereon.

Upon thorough review of the record, the Board finds that the Organization failed to sustain its burden of proof that Laborers have exclusive rights to the work involved at the Havre, Montana, location.

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 24th day of January, 1978.