

It has been long held by this Board that such language as contained in Rule 98 does not reserve to Carmen the work of adjusting or re-adjusting loads. See Second Division Awards 913 and 6321. To otherwise obtain the exclusive right to the work, a system wide practice must be in existence.

It has long been held that the party defending its position on practice alone bears the burden of supporting that claim with probative evidence. See Second Division Awards 7020, 5928, 5921, and 5525. The employes here have not met that burden, and in fact, allege only a practice "at this point".

This dispute is distinguished from the dispute covered in Award No. 6059 where the work was generally recognized as Carmen's work and record was presented where claims were paid when other than Carmen performed the work.

For the foregoing reasons we will deny the claim.

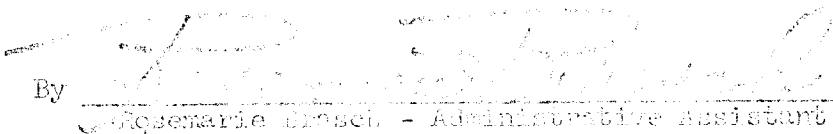
A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brosch - Administrative Assistant

Dated at Chicago, Illinois, this 17th day of October, 1978.