

The Second Division consisted of the regular members and in addition Referee Robert A. Franden when award was rendered.

Parties to Dispute: (System Federation No. 6, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Carmen)
(Chicago, Rock Island and Pacific Railroad Company

Dispute: Claim of Employees:

- (1) That under the current Agreement the Carrier improperly permitted the use of other than Carmen (Milwaukee Train Crews) to perform Carmen's work of adding water, sand, fuel oil, and lube oil to diesel engines at Eldon, Iowa forty (40) times during the month of April, 1977.
- (2) That accordingly the Carrier be ordered to compensate Carmen Glenn Volgenzane, M. Martin and R. Rahn for 106-2/3 hours pay at the time and one half rate.

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.

This dispute is unlike that covered in Award No. 7793 only in that it involves the servicing of engines by adding water, sand, fuel and lube oil by Milwaukee Road Train crews.

This Board has historically held that the moving party must meet the burden of proving its claim. We do not find sufficient evidence that Carrier had control of the work or that the agreement between the parties was violated.


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 4th day of January, 1979.