

On the other hand, the Foreman and the Carrier emphatically deny that any such work was performed. They maintain that the work which was performed by the foreman was instructive and supervisory in nature and did not encompass the labor described in the complaint. In fact, they maintain that the two carmen on the crew actually performed the work for which claim was filed. The Organization relies on claimant's statement plus two letters from other carmen to buttress its claim that the foreman

performed such work. One of the letters was judgmental in character and contained no information regarding the work performed. The other letter was judgmental in character but did end with a "such as" statement regarding work the signator believed would be carman's work. The notes do not contain the specificity necessary to prove that any such work was actually accomplished.

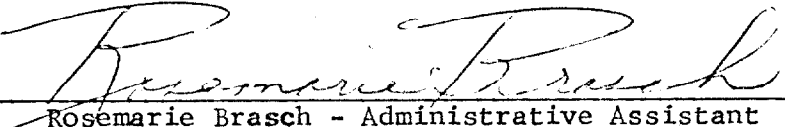
From the foregoing and the entire record this Board determines that the Organization simply did not prove that the work outlined in the complaint was actually performed. There is, therefore, no basis for the remedy sought.

A W A R D

Claim dismissed for lack of justiciable issue.

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 28th day of January, 1981.