

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

Parties to Dispute: { International Brotherhood of Electrical Workers  
{ Terminal Railroad Association of St. Louis

Dispute: Claim of Employes:

1. That the Terminal Railroad Association of St. Louis violated Memorandum Agreement dated July 16, 1953, Article III of the September 25, 1964 Agreement, and Rules 85 and 86 of the April 1, 1945 controlling agreement when Carrier assigned Machinist Helper Sam Ruelas to perform electricians' work, Tuesday, February 20, 1979, thus, depriving Electrician Carl McKeown of his contractual rights under the Agreement.
2. That, accordingly, Carrier be ordered to compensate Electrician Carl McKeown two hours and forty minutes (2'40") at time and one-half for Tuesday, February 20, 1979.

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.

The Organization asserted that a Machinist Helper replaced a radio on an engine on the claim date, and it asserts a violation of that portion of the agreement which specifies that Electricians shall perform certain work with reference to radio equipment.

The Carrier asserts that the Machinist Helper merely slipped a repaired transceiver into a rack on the locomotive, and that he did not install a radio. Moreover, the Carrier insists that said practice has been followed on the property for years.

Simply stated, the Carrier asserts that the Employe performed no wiring, but merely slid the component into a previously installed rack and tightened two thumb screws, as well as connected two previously installed amphenol connectors.

As we have reviewed the record in this case, it is apparent that certain factual questions were raised and discussed on the property as to the nature of the work performed. Inasmuch as the Employes have the burden of establishing

their case, we are inclined to deny the claim based solely upon the question of burden of proof.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Acting Executive Secretary  
National Railroad Adjustment Board

By   
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 19th day of May, 1982.