

The Second Division consisted of the regular members and in addition Referee John B. LaRocco when award was rendered.

Parties to Dispute: ( Brotherhood Railway Carmen of the United States and Canada  
( Seaboard Coast Line Railroad Company

Dispute: Claim of Employees:

1. That the Seaboard Coast Line Railroad Company violated the controlling agreement when Carmen Apprentices O. R. Lincoln and W. D. Troup were given the wrong forms on July 2, 1980 by the Company clerk at Waycross, Georgia.
2. That accordingly, the Seaboard Coast Line Railroad Company be ordered to compensate these two employees eight (8) hours pay at straight time and all other benefits that would have been accrued by them had two (2) younger carmen apprentices not been worked in their stead.

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 employes 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.

Claimants, Carmen Apprentices at Waycross, Georgia, were properly notified of an impending furlough effective on July 6, 1980. On July 2, 1980, Claimants completed Form GSS-51 and Form WS-3. Claimants did not complete Form 3100 which, pursuant to Rule 23(f), permits Claimants to temporarily transfer to another point on the system and work without seniority, if such work is available, during a furlough. Two other Waycross Carmen Apprentices filled out Form 3100 and worked at Tampa, Florida for approximately five weeks. Claimants were recalled to their positions at Waycross on October 12, 1980.

Contending that the Company Clerk supplied Claimants with the wrong form on July 2, 1980, the Organization filed the instant claim on August 23, 1980 seeking eight hours of pay for each day that the other apprentices worked at Tampa. The Carrier rejected the claim on the grounds that since Claimants had never completed Form 3100, they had not expressed a desire to work at points other than Waycross during their furlough.

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The record reveals that the Organization has not met its burden of proving a rule violation. Though the Organization relies on Rule 23(f), Claimants bore the responsibility of completing the appropriate forms if they truly desired to work at other points during their layoff. This Board is not persuaded that the Clerk gave Claimants the incorrect form since the Clerk readily provided Form 3100 to other Carmen Apprentices. Moreover, Claimants asserted that the alleged violation occurred on July 2, 1980, but employees do not generally file Form 3100 until the furlough commences.

Finally, the evidence in this case discloses that the Claimants knew or should have known that they had not completed Form 3100. The forms Claimants completed were plain and unambiguous and neither referred to Rule 23(f). During the period that they were furloughed at Waycross, Claimants never inquired about working elsewhere. Claimants' lack of diligence evinces to this Board that they were not genuinely interested in transferring to another point.

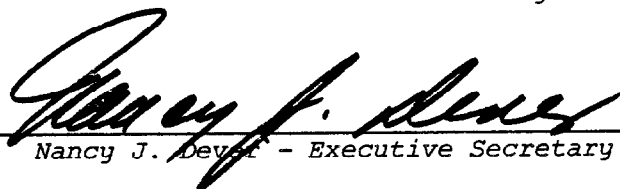
Inasmuch as the Organization has not satisfied its burden of proof, the claim is denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:

  
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 5th day of December 1984.