

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

Parties to Dispute: ( Brotherhood Railway Carmen of the United States  
( and Canada  
( Missouri Pacific Railroad Company

Dispute: Claim of Employes:

1. That the Missouri Pacific Railroad Company violated Rule 102 of the controlling Agreement February 4, 1982 when outside employes inspected freight cars MP 253264, MP 252335, MP 252490, MP 254764, MP 252886 and MP 780442 in track number 48 at Fort Worth, Texas.
2. That the Missouri Pacific Railroad Company be ordered to compensate Carman M. G. Rosser in the amount of four (4) hours at the straight time 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 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.

This claim asserts that, on February 4, 1982, the Carrier used outside employees to inspect six freight cars and that this violates Rule 102 of the controlling Agreement in that all inspection of freight cars is reserved to the carmen. The Claimant is credited with being available and willing to perform work.

The record reveals that the Carrier has had a contractual arrangement with Mr. C. McDonough to clean cars at the Carrier's Fort Worth property. The Organization established that Mr. McDonough opened the side doors and closed them after they were cleaned. From its May 1, 1982, acknowledgement of the master mechanic's denial, it is evident the Organization does not claim the work of cleaning the freight cars which has been done by McDonough for more than thirty years. Notwithstanding, the Organization takes issue with McDonough opening and closing the doors and asserts he advises the Transportation Department as to which cars are suitable in classification of Miller Brewery loading.

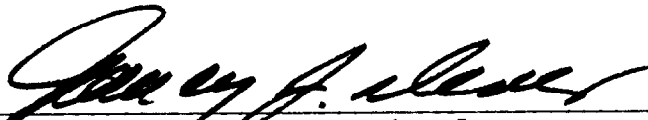
The Board's examination of the record discloses no probative evidence to support the Organization claim. There is simply no substantiation that McDonough, in any manner, performs inspection work as contemplated by the Agreement. It does show he opened and closed freight car doors to gain access and clean, if necessary. The Organization has not met its burden of proof, and we will decline the claim.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:

  
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Nancy J. Dover - Executive Secretary

Dated at Chicago, Illinois, this 5th day of June, 1985