

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION

Award No. 10733  
Docket No. 10497  
2-B&O-CM-'86

The Second Division consisted of the regular members and in addition Referee Lamont E. Stallworth when award was rendered.

(Brotherhood Railway Carmen of the United States  
( and Canada

Parties to Dispute: (

(Baltimore and Ohio Railroad Company

Dispute: Claim of Employees:

1. That the Baltimore and Ohio Railroad Company violated the terms and/or provisions of the controlling Agreement when on the date of September 22, 1982, Claimant, Carman G. H. Beecher, Bay View Baltimore, Maryland, performed eight (8) hours service on his regularly assigned position at Bay View, and Carrier has steadfastly refused to compensate him for such services rendered, on that date, in direct violation of General Rules, Rule 1, Hours of Service, Section (a-1).

2. That accordingly, Carrier be ordered to compensate Claimant, as sought, account Carrier's violation of the Agreement in this instance: eight (8) hours pay at the pro rata rate for eight (8) hours service on the date of September 22, 1983.

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.

In the Board's view the dispute evolves around an issue of fact: "Did the Claimant work eight (8) hours on September 22, 1982?" It is the Board's opinion that this burden rests with the Organization.

In the Board's further opinion, the Organization has failed to carry its burden of proof and the Board accordingly finds, in the absence of any evidence, that the instant claim is without merit.

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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 19th day of February 1986.