

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 11444
Docket No. 10922-T
88-2-84-2-423

The Second Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

PARTIES TO DISPUTE: (International Brotherhood of Firemen & Oilers
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(Seaboard System Railroad Company

STATEMENT OF CLAIM:

1. That under the current and controlling agreement employees other than service attendants were improperly used to perform the work of cleaning and supplying diesel locomotive engines and cabooses, at Howell Yard, Seaboard System Railroad, Atlanta, Georgia.

<u>Claim in behalf of</u>	<u>Date of Violation</u>	<u>Name of Car Inspec. Performing Work</u>	<u>Equipment Cleaned or Supplied</u>
C. L. Wix, Jr.	9/20/83	AL Pryor & MG Wilson	Engine No. 4202
W. H. Pickens	9/21/83	AL Pryor & MG Wilson	Engine No. 4202
G. H. Elsberry	9/24/83	M. G. Wilson	Engine No. 4201
J. C. Credell	9/24/83	AL Pryor & MG Wilson	Engine No. 2340
R. C. Shumpert	9/26/83	AL Pryor & MG Wilson	Caboose No. 5740
J. F. Raines	9/26/83	AL Pryor & MG Wilson	Caboose No. 4201
C. L. Wix, Jr.	9/28/83	AL Pryor & MG Wilson	Engine No. 4201
J. C. Credell	9/28/83	AL Pryor & MG Wilson	Engine No. 4594
J. F. Raines	10/02/83	Steve Lanier	Caboose No. 0911
R. C. Shumpert	10/02/83	Steve Lanier	Caboose No. 0817
G. H. Elsberry	10/02/83	Steve Lanier	Caboose No. 6465
C. L. Wix, Jr.	10/04/83	AL Pryor & MG Wilson	Engine No. 4203
W. H. Pickens	10/04/83	AL Pryor & MG Wilson	Engine No. 4209
R. H. Shumpert	10/04/83	AL Walker & DC White	Caboose No. 5723
J. F. Raines	10/04/83	AL Walker & DC White	Engine No. 2758
G. H. Elsberry	10/04/83	AL Walker & DC White	Caboose No. 1152
J. C. Credell	10/04/83	L. Martin & G. Bennett	Caboose No. 6209
J. C. Credell	10/04/83	AL Pryor & MG Wilson	Engine No. 4205
W. H. Pickens	10/04/83	L. Martin & G. Bennett	Caboose No. 0604
C. L. Wix, Jr.	10/04/83	L. Martin & G. Bennett	Caboose No. 1092
G. H. Elsberry	10/05/83	AL Pryor & MG Wilson	Caboose No. 6135
J. F. Raines	10/06/83	Mark Hahn	Engine No. 4205

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.

As Third Party in Interest, the Brotherhood Railway Carmen of the United States and Canada was advised of the pendency of this dispute and did not file a Submission with the Division.

Under the date of October 25, 1983, the claims at issue were submitted to the Carrier. Essentially, the Organization contends that, on various dates in September and October 1983, the Carrier assigned work reserved to its Craft to members of the Carmen's Craft.

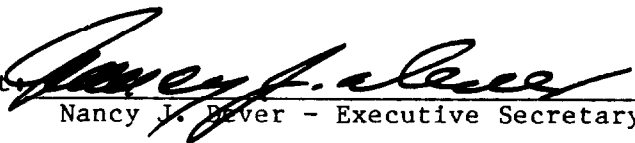
With respect to the merits of the claim, we have carefully reviewed and considered the record developed in this matter as well as the skillful arguments presented by the Organization's advocate before us. Certainly, the events leading to this claim make the Claimants' concern and the claim itself understandable. Nevertheless, in matters such as this, which mainly involve a scope claim, the burden is upon the employees to establish the validity of their assertions. The evidence shows that they have failed to sustain their burden of proof. In this respect, while there are a number of issues and various ramifications to this claim, we particularly note the Carrier's letter of denial dated March 19, 1984. We conclude that the substantive portions, on which the Carrier based its denial, have not been effectively rebutted on the property. Therefore, we have no proper basis to sustain the claim.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest


Nancy J. Bever - Executive Secretary

Dated at Chicago, Illinois, this 6th day of April 1988.