

CORRECTED

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION

Award No. 11610  
Docket No. 11215-T  
88-2-86-2-18

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

PARTIES TO DISPUTE: (International Brotherhood of Electrical Workers  
(Consolidated Rail Corporation

STATEMENT OF CLAIM: Claim of Southwest Division Radio Maintainer E. L. Bean as follows:

As a member of the I.B.E.W. Local 784 I am submitting a claim in accord with Rule 4-P-1(a) and (i) of the May 1, 1979 Agreement between the Consolidated Rail Corporation and the I.B.E.W. as follows:

1. That the Consolidated Rail Corporation has violated the current Agreement when the Communications and Signal Supervision assigned the work of installing the talking units (used to modulate the radios) to each dragging equipment dector and Hot Box dector location on the Southern Region of Consolidated Rail Corporation to the Brotherhood of Railway Signalmen (B.R.S.).

2. The talking units used to modulate the radios at each dragging equipment and hot box dector location is the work of the I.B.E.W. Communications department electricians as provided in the special rules and scope rules of the Agreement.

3. That the Consolidated Rail Corporation be ordered to compensate the I.B.E.W. Communications Department employees for the installation of the talking units by B.R.S. employees as follows:

I am claiming 1 call (3 hours at the time and one half rate) for the installation of the talking units at each of the following locations:

- |   |                              |
|---|------------------------------|
| 1. Danville, IN. (MP 19.4)                        | 2. Reno, IN. (MP 28.0)       |
| 3. Fillmore, IN. (MP 34.7)                        | 4. Greencastle, IN (MP 43.7) |
| 5. Carbon, IN. (MP 50.9)                          | 6. Bernett, IN (MP 64.0)     |
| 7. Dennison, IN. (MP 83.6)                        | 8. Vevay Park (MP 112.3)     |
| 9. Teutopolis, IL. (MP 135.6)                     | 10. Altamont, IL. (MP 144.9) |
| 11. Danville Secondary - St. Marys, IN. (MP 76.3) |                              |

4. That the Consolidated Rail Corporation be ordered to assign all future installations, service and maintenance of the talking units at dragging equipment and hot box dectors to the I.B.E.W. Communications Department Electricians.

In assigning the B.R.S. employees to install the talking units at each of the described locations, I feel that the Consolidated Rail Corporation has deprived me of compensation which I have been contractually entitled to receive.

FINDINGS:

The Second Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees 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 were given due notice of hearing thereon.

As Third Party in Interest, the Brotherhood of Railroad Signalmen was advised of the pendency of this dispute and filed a Submission.

Initially, the Carrier contends that the Claim as presented on the property was too vague and indefinite and hence defective. Carrier persisted in this position pointing out that the Organization failed to identify any specific Agreement Rule or Rules allegedly violated by the Carrier. Likewise, no specific dates of when the alleged Rule violations had taken place was supplied. Carrier concludes that the claim is deficient and must be dismissed.

Carrier's position with respect to the deficiency of the claim is well taken. The Board has held in numerous Awards that the burden of establishing all the essential elements of a claim must be met by the Petitioner. In Third Division Award 16675 we said:

"...The awards emanating from this Board establishing the principle that claims must be specific and that Carrier is under no obligation to develop the claim for the petitioner are too numerous to mention. Suffice it to say that the principle is well established and not subject to dispute. The burden is on Petitioner to present facts sufficiently specific to constitute a valid claim. The vagueness and indefiniteness of the instant claim is therefore fatal and renders a proper adjudication of the merits impossible."

We will dismiss the claim."

In this case also, we must dismiss the claim.

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Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:

  
Nancy J. Bever - Executive Secretary

Dated at Chicago, Illinois, this 7th day of December 1988.