

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

PARTIES TO DISPUTE: ((Sheet Metal Workers' International Association
(Illinois Central Gulf Railroad

STATEMENT OF CLAIM:

1. March 12, 1985, the Carrier's Foreman R. Cannon assigned Machinist J. S. Cromwell to replace the top and bottom radiator (water lines) hoses on P.R.C. 247 in violation of Rules of the Agreement, particularly 33, 107 and 108.

2. Claim in behalf of Sheet Metal Worker J. L. Geeter for a four (4) hour call.

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 arose after the Carrier assigned a Machinist to replace the top and bottom radiator hoses on one of Carrier's pickup trucks.

Pursuant to Section 3, First (j) of the Railway Labor Act, as amended, notice was given to the International Association of Machinists and Aerospace Workers of this claim as a possible party of interest. That Organization filed a statement concerning this claim which is now a part of the record.

In matters such as this, the burden is on the Organization to demonstrate that it is entitled to the work in question. In order to prevail, there must be a showing of strong and conclusive evidence that it is entitled to the work by specific rule language or by virtue of an exclusive system-wide past practice. While we are not unmindful of the strong arguments made by the Organization before us, we do not find the necessary evidence to support the claim.

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Award No. 11639
Docket No. 11253-T
89-2-86-2-57

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: 
Nancy J. Dwyer - Executive Secretary

Dated at Chicago, Illinois, this 25th day of January 1989..