

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION

Award No. 12506  
Docket No. 12126  
93-2-90-2-263

The Second Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

PARTIES TO DISPUTE: (Brotherhood Railway Carmen  
(Division/TCU  
(The Atchison, Topeka and Santa Fe  
(Railway Company

STATEMENT OF CLAIM:

- "1. That the Atchison, Topeka & Santa Fe Railway Company violated the Controlling Agreement, specifically Rules 9, 10, 36 and 98, by instructing and/or allowing Relief Supervisor C. Rydberg to perform the duties and work of the Carmen craft on December 15, 1989 when members of the craft were available, willing and qualified to perform that work.
2. That accordingly, the Atchison, Topeka & Santa Fe Railway Company be ordered to additionally compensate Carman J. L. Beel in the amount of four (4) hours at his applicable hourly rate of pay for the violation on December 15, 1989."

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 employe 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 is the second in a series of disputes contending that Relief Supervisor Rydberg worked as a Carman at times when he was assigned as a Supervisor. See Awards 12505 and 12507. In this Award it is alleged that Rydberg was assigned as a Supervisor on December 15, 1989 but continued to work as a Carman on that date. The Organization has not submitted any evidence in this record supporting a showing that Rydberg performed any Carman's duties on December 15, 1989. Payroll records indicate that Rydberg worked and was compensated as Supervisor that date. The Organization's Claim must be denied for lack of proof.

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 3rd day of February 1993.