

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION

Award No. 12553  
Docket No. 12358-T  
93-2-91-2-146

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  
(  
(CSX Transportation, Inc. (former Chesapeake  
(and Ohio Railway Company)

STATEMENT OF CLAIM:

- "1. That the Chesapeake & Ohio Railroad Company (CSX Transportation, Inc.) (hereinafter referred to as 'carrier' violated the service rights of Carman Helper Kenneth England (hereinafter referred to as 'claimant') and the provisions of Rules 60½ and 156 of the controlling Agreement, when on March 27, 1989 the carrier removed the claimant from his permanent position and replaced the claimant with an employe not belonging to the Carmen's craft.
2. Accordingly, the claimant is entitled to be restored to his permanent position that the carrier removed him from."

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.

As Third Party in Interest, the Transportation Communications International Union was advised of the pendency of this dispute, but chose not to file a submission with the Board.

This Claim alleges that the Agreement was violated when Carrier abolished Carmen Helper Position No. 9524-20-66 at its Raceland Car Shop, effective March 31, 1989, and thereafter had

work of the abolished job performed by members of the Clerk's craft. Throughout the handling given this Claim, the Organization has repeatedly referred to the abolished position as a "crane hook-up" job. Nowhere, though, does it describe what functions of work were performed by the Carman Helper before the job was abolished, nor does it offer any evidence concerning the alleged work activity performed subsequent to the abolishment. The single element of evidence in this record that perhaps work of the abolished position was assigned to strangers to the Carmen's craft is Claimant's handwritten statement that five Stores Department employees were performing the job he previously held by bid.

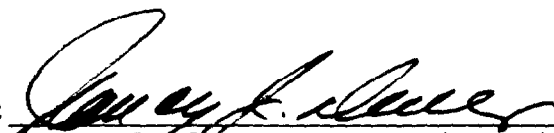
This statement woefully fails to satisfy minimum evidentiary requirements necessary to establish that Carmen's work has been assigned to Clerks. It does not mention one date that Stores Department employees did Carmen's work, nor does it mention a single item of work performed. In substance, all that the Board has before it is an allegation. This allegation is not supported by any evidence. Accordingly, the Claim must be denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:

  
Nancy J. Dever - Secretary to the Board

Dated at Chicago, Illinois, this 28th day of July 1993.