

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12641
Docket No. 12369
93-2-91-2-162

The Second Division consisted of the regular members and in addition Referee Elliott H. Goldstein when award was rendered.

PARTIES TO DISPUTE: (Brotherhood Railway Carmen/Division TCU
(
(CSX Transportation, Inc. (former
(Chesapeake & Ohio Railway Company)

STATEMENT OF CLAIM:

- "1. That the Chesapeake & Ohio Railroad Company (CSX Transportation, Inc.) (hereinafter 'carrier') violated the provisions of Rule 12 of the Shop Crafts Agreement between Transportation Communications International Union -- Carmen's Division and the Chesapeake & Ohio Railroad Company (CSX Transportation, Inc.) (revised June 1, 1969) and the service rights of Carmen J. Roark, F. Lavenia and D. Grissom (hereinafter 'claimants') when the carrier did not allow the claimants compensation for actual expenses incurred for their meals when the claimants were sent to outlying point in violation of Rule 12 of the Shop Crafts Agreement.
2. Accordingly, the claimants are entitled to be compensated \$6.58 each for the actual expenses incurred for their meals as provided for under the provisions of Rule 12 of the Shop Crafts Agreement."

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.

Claimants are employed at Richmond, Virginia. On December 10, 1988, they were sent to Strathmore, Virginia, to replace a broken wheel on coal hopper LN 197672. The Organization submitted a claim in behalf of the Claimants for a \$6.58 meal allowance. As the basis for its claim, the Organization relied on Rules 10 and 12 of the Agreement.

The identical issues were presented by these parties to this Board in Second Division Award 12636. In denying that claim, we ruled that the Organization failed to meet its evidentiary burden of proving a contractual violation. We adopt that same reasoning and logic in the instant case, and, accordingly, rule to deny the claim.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Catherine Loughrin
Catherine Loughrin - Interim Secretary to the Board

Dated at Chicago, Illinois, this 12th day of January 1994.