

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION

Award No. 12707  
Docket No. 12561  
94-2-92-2-80

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

PARTIES TO DISPUTE: (International Association of Machinists  
(and Aerospace Workers (District 19)  
(  
(Consolidated Rail Corporation

STATEMENT OF CLAIM:

- "1. The Consolidated Rail Corporation violated the Rules of the Controlling Agreement of May 1, 1979, particularly Rules 5-F-1, Scope, and Past Practice and Custom when the Carrier assigned a member of the Firemen and Oilers Organization to perform recognized Machinist work.
2. Accordingly, Machinist R. W. Hatten is entitled to an additional eight (8) hours pay at the applicable rate for Carrier's violation of the Rules on February 6, 1990."

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.

By letter dated February 11, 1990, the Organization filed a claim alleging Carrier violated the Scope Rule and Machinists' Classification of Work Rule by permitting a Laborer to do Machinists work. Specifically, Carrier assigned the repair of the tire on a utility trailer to someone other than a Machinist.

The Board has carefully reviewed all of the argument and evidence presented by the parties while the dispute was developed on property. We find in all essential elements, this case is on point with the Board's decision in Second Division Award No. 12706. The Board finds no violation of the Agreement Rules under dispute. We find insufficient probative evidence presented by the Organization to support its contention that the work belongs exclusively to the Machinists craft.

For all the reasons presented in Award No. 12706, the Board concludes that the instant claim lacks proof. The Board must deny the Claim.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Linda Woods  
Linda Woods - Arbitration Assistant

Dated at Chicago, Illinois, this 8th day of June 1994.