

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION

Award No. 12902  
Docket No. 12706  
95-2-92-2-187

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

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

STATEMENT OF CLAIM:

- "1. The Consolidated Rail Corporation violated the Rules of the Controlling Agreement of May 1, 1979, and particularly Rule 2-A-4, and Past Practice and Customs.
2. Accordingly, the Claimant is entitled to the payment as requested. Additional three (3) hours pay at the applicable rate for the days of: 8-1-90, 8-2-90, 8-13-90, 8-14-90, and 8-15-90."

FINDINGS:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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.

The facts, circumstances and contentions of the parties in this claim are substantively the same as in Second Division Award 12901, except this claim is for five dates in August, 1990.

We find here, as we found in Award 12901, that the Organization has not met the required burden of proof. Therefore, the claim is denied.

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AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Dated at Chicago, Illinois, this 16th day of August 1995.