Form 1 NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 13335
Docket No. 13060-T
98-2-95-2-83

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

(International Association of Machinists and
(Aerospace Workers
PARTIES TO DISPUTE: (
(Meridian & Bigbee Railroad Company

STATEMENT OF CLAIM:

"(1) That the Meridian & Bigbee Railroad Company improperly assigned Machinist's work to other Craft employees in violation of the October 5, 1993, Agreement, as amended and especially appendix 1, but not limited thereto.

(2) That accordingly, the Meridian & Bigbee Railroad Company be ordered to pay Machinists D. Peeples and G. Jackson eighty-eight (88) hours each at the straight time rate, for a total of (176) hours at the straight time rate."

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 were given due notice of hearing thereon.

As Third Party in Interest, the Brotherhood of Maintenance of Way Employes was advised of the pendency of this dispute and chose to file a Submission with the Board.

This case arose because the Organization claimed that on various dates in July and August 1994, the Carrier assigned a Maintenance of Way employee to perform maintenance and rebuilding work on a maintenance of way bridge crane. The Organization states that the work performed was reserved to its craft pursuant to Appendix 1 of its Collective Bargaining Agreement, dated October 5, 1993.

The Board has carefully examined the record in its entirety. However, the material before the Board consisted largely of vague and conclusionary statements on the part of both parties. We find no "evidence" of probative value to consider in reaching a determination of this dispute. Therefore, we must dismiss the claim.

AWARD

Claim dismissed.

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 24th day of November 1998.