

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13336
Docket No. 13062-T
98-2-95-2-85

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

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

STATEMENT OF CLAIM:

“(1) That the Meridian & Bigbee Railroad Company improperly assigned Carmen work to Agent Dutch Hannah at Naheola Yard in violation of the November 16, 1989 Agreement, as amended and especially Scope Rule - Article - VI, as amended, but not limited thereto.

(2) That accordingly, the Meridian & Bigbee Railroad Company be ordered to pay Carmen W. J. Brown eight (8) 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 Transportation Communications International Union and the Brotherhood Railway Carmen, Division of Transportation Communications International Union were advised of the pendency of this dispute, but they chose not to file a Submission with the Board.

In this case, the Organization contends that the Carrier Agent at Naheola, Alabama, inspected four box cars. It claims that this work is reserved to the Machinist Craft pursuant to Article VI of the November 16, 1989 Agreement as amended by Appendix 1 of the October 5, 1993 Agreement. The Organization also maintains that it has historically performed the claimed work.

The Board finds, as it did in Second Division Award 13335, that this is a dispute between the same parties and that there is no evidence of probative value on which this Board can decide the issue. Accordingly, the claim is dismissed.

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.