



Award No. 15659
Docket No. TE-13308

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Nicholas H. Zumas, Referee

PARTIES TO DISPUTE:

TRANSPORTATION-COMMUNICATION EMPLOYEES UNION
(Formerly The Order of Railroad Telegraphers)

SEABOARD AIR LINE RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Seaboard Air Line Railroad, that:

1. Carrier violated and continues to violate the Agreement between the parties when effective January 1, 1961, it improperly removed from the position of Agent-Telegrapher at Dallas, Georgia, the work of preparing reports and related duties required to be performed for the non-agency stations of Floyd, Hiram and Powder Springs, Georgia, and transferred such work to its Atlanta, Georgia station, where it requires employees not covered by the Agreement to perform same.

2. Carrier shall be required to restore the work required to be performed for the non-agency stations of Floyd, Hiram and Powder Springs, Georgia, to employees covered by the Agreement as it was prior to January 1, 1961.

EMPLOYEES' STATEMENT OF FACTS: The Agreement between the parties, effective January 1, 1959 as supplemented and amended, is available to your Board and by this reference is made a part hereof.

This dispute arose out of Carrier's action of transferring the agency work for its stations at Floyd, Hiram and Powder Springs, Georgia from the Agent-Telegrapher position at Dallas, Georgia to its Atlanta, Georgia station. There are no employees covered by the Agreement at Atlanta Station.

Dallas, Georgia is located on the Birmingham Sub-Division of the Carrier's main line between Atlanta and Birmingham, and is approximately thirty miles west of Atlanta. At time the claim was presented, there was one position covered by the Agreement at Dallas. The position was classified as Agent Operator and worked five days per week (Monday through Friday). Some years ago, there was an agency position at Floyd, one at Hiram, and also one at Powder Springs. All three of these agency positions were covered by the Agreement. When these positions were discontinued, the work was given to

to the Agent Operator at Dallas, Georgia, or any other employe covered by the Telegraphers' Agreement. Third Division Awards 4922, 4568, 5719, 8369).

(Exhibits not reproduced.)

OPINION OF BOARD: Petitioner contends that Carrier violated the Agreement between the parties when it transferred the agency work for its stations at Floyd, Hiram and Powder Springs, Georgia from the Agent-Telegrapher position at Dallas, Georgia to its Atlanta, Georgia station.

Without proceeding further, the Board finds that the claim must be denied for lack of sufficient evidence to justify the claim. There is no showing in this record as to the nature, type and identity of the "work" transferred. A simple characterization of "work" is insufficient to satisfy Petitioner's burden of proof.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was not violated.

AWARD

The Claim is denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 20th day of June 1967.