

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Jan Eric Cartwright, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

**NORFOLK AND WESTERN RAILWAY COMPANY
(Lake Region)**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(1) The Carrier violated the Agreement and the practices thereunder when it refused to allow mileage expenses to B&B employes Charles Edelen, R. L. Harris, W. B. Barringer, Joseph Zielinski, G. M. Trizna and J. I. Kovacic when their headquarters were moved from Girard, Pennsylvania to Cleveland, Ohio. (System File 30-20-169.)

(2) The Carrier further violated the Agreement and the practices thereunder when it refused to allow mileage expense to Hoisting Engineer E. Grubke when his headquarters were moved from Painesville, Ohio to Cleveland, Ohio and from Cleveland, Ohio to Fostoria, Ohio. (System File 30-20-168.)

(3) The employes named in Part (1) of this claim each be allowed \$7.68 (96 miles $\times$ 8 cents per mile) because of the violation referred to in Part (1) of this claim.

(4) Mr. E. Grubke be allowed \$12.00 (150 miles $\times$ 8 cents per mile) because of the violation referred to in Part (2) of this claim."

EMPLOYES' STATEMENT OF FACTS: Hoisting Engineer Edward Grubke was the regularly assigned operator of one of the Carrier's cranes on line of road. His assigned work week extended from Monday through Friday of each week. Saturdays and Sundays were designated rest days. His headquarters and assembling point for each day's work was at his assigned camp car.

On Friday, June 17, 1966, Mr. Grubke's camp car was located at Painesville, Ohio. Prior to the close of work on that date, he was instructed to bill his crane and camp car to Cleveland, Ohio and to commence work at that point on Monday, June 20, 1966. Because there was no work for the claimant to perform during the weekend, he visited his home at Conneaut, Ohio. On Monday,

EXHIBIT 2G - February 17, 1967 - Denial of appeal - Director of Personnel to General Chairman.

EXHIBIT 2H - May 23, 1967 - Letter - General Chairman to Manager of Labor Relations (formerly Director of Personnel).

EXHIBIT 2I - June 6, 1967 - Affirmation of denial - Manager-Labor Relations to General Chairman.

(Exhibits not reproduced.)

OPINION OF BOARD: Claimants were regularly assigned to their respective positions on the line with camp cars provided by the Carrier as headquarters. Their assigned work weeks were from Monday through Friday, with Saturdays and Sundays as rest days.

Prior to the end of work on certain Fridays during June, 1966, Claimants were instructed to move their camp cars to different locations and to report to work at the new locations on the following Monday. In each instance, the camp cars were moved to the new locations over the weekend. Claimants drove their personal autos from the old locations to the new locations during the weekends, stopping enroute at their respective homes. Claimants seek a mileage allowance of \$0.08 per mile for the use of their personal autos, which the Carrier disallowed.

Claimants argue that it has been the practice in the past for the Carrier to so reimburse employees for their expenses incurred in the use of their personal autos under such circumstances. However, Claimants fail to meet their burden of proving the existence of the claimed practice. The claim will therefore be denied.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

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

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 24th day of January, 1969.

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