

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19312  
Docket Number MW-18444

William M. Edgett, Referee

(Brotherhood of Maintenance of Way Employees

PARTIES TO DISPUTE: (

(The Texas and Pacific Railway Company

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

(1) The Carrier violated the Agreement when, during January 1968, it assigned mechanical department employees instead of bridge and building sub-department employees to perform B&B work in the Car and Knuckle Shops at Marshall, Texas. (System file K-310-35).

(2) B&B employees G. B. Wilkerson, R. L. Robertson, E. E. Taylor, C. H. Jones, J. A. Brown, R. J. St. Romain, C. C. Mudford and L. J. Graves each be allowed pay at their respective straight time rates for an equal proportionate share of the total number of man hours expended by the mechanical department employees in performing the work referred to in Part (1) of this claim.

OPINION OF BOARD: During January 1968, two carmen worked forty hours putting plywood on walls, floors and ceiling of the foremen's office in the Carshop in Marshall, Texas. One carman worked five hours painting the above office and a Carman and a helper worked twelve hours painting an office in the Knuckle Shop, Marshall, Texas.

The Organization filed the instant claim contending that this work should have been done by Bridge and Building Employees and they should be compensated at their respective straight time rates for an equal proportionate share of the total number of hours expended by the mechanical department employees in performing this work.

Carrier's highest officer denied that this work is reserved to the Maintenance of Way Employees.

The parties each cite earlier awards, between these parties, in support of their respective contentions.

The record discloses no evidence, other than mere assertions by Petitioner which were summarily denied by Carrier's highest officer, to support Petitioner's contention of agreement violation. Accordingly, we must dismiss the instant claim for lack of proof.

Notice of pendency of the instant dispute was furnished the Railway Employees Department and acknowledgement thereof was received by the Division.

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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 Claim must be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

E. G. Killen  
Executive Secretary

Dated at Chicago, Illinois, this 30th day of June 1972.